SHARE AND SHARE ALIKE:

The Rules of Genealogical Privacy

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Overview: Genealogy by its very nature is collaborative—we need to work together and share information with others, both relatives and non-relatives if we're to succeed in filling out our family trees. But doing family research doesn't mean giving up all semblances of personal privacy, nor is it a license to invade the privacy of others—family or not. All researchers need to follow the rules, both legal and ethical, when we share genealogical information.

Striking the Balance

As family historians and genealogical researchers, we all need to play nicely in the same genealogical sandbox. Our collaboration with others in our efforts to uncover our family's past requires a respect for the rights of others and a level of trust that others will respect our rights. Whether we are the recipients of information shared with us by family members or the custodians of information others wish us to share with them, we need to carefully consider our own privacy interests and those of the people whose information we are asked to share. It's sometimes a delicate balance but our decisions can be better informed and balanced if we consider the rules of genealogical privacy and ethics.

Sources for Privacy/Ethical Rules

Most genealogical organizations have ethical rules that help us make informed decisions about sharing information. Several codes are outlined in the resource list, and three in particular help focus on issues of sharing information.

❖ The Board for Certification of Genealogists (BCG) and the International Association for the Accreditation of Professional Genealogists (ICAPGen) jointly developed the first *Genealogist's Code of Ethics*. The *Genealogist's Code of Ethics* was most recently updated by BCG in 2018 to add ethical rules for DNA testing.

❖ The Association of Professional Genealogists revised its *Code of Ethics and Professional Practice* in 2017.

❖ The National Genealogical Society revised its *Guidelines for Sharing Information with Others* in 2016.

Key Privacy Rules for Sharing

The ethical guides have different focuses and different constituencies, but all of them share basic concepts that encompass all genealogists and family researchers from the beginner to the advanced or credentialed professional:

Rule #1. Respect the rights of the living. Every ethics code governing the conduct of genealogists provides a high level of protection for living people. The essential protections that the codes require be given to the living include:

❖ understanding that living people have rights as private persons;
❖ telling living people what we intend to do with information they share with us and scrupulously adhering to any limits they place on the use of that information;
❖ sharing personally-identifying information of any kind about a living person only with that person's clear and unambiguous informed consent; and
❖ getting clear permission from any living person before we reshare or republish information about them that we've received from others.

In the context of DNA testing, the protections include carefully explaining the benefits and risks of testing and then getting written informed consent from any living test taker whose results we want to use, share or publish.

In every case, we need to follow the admonition of the National Genealogical Society that we be "sensitive to the hurt that information discovered or conclusions reached in the course of genealogical research may bring to other persons and consider that in deciding whether to share or publish such information and conclusions."

Rule #2. Don't share it if you don't have the right to share it. Similarly, every genealogical ethics code calls on us to respect the rights of others to their work product. We are reminded that we must honor the copyright of others and not share materials without properly crediting the work or contribution of others.

Violating the copyright of others carries potential legal penalties as well as being an ethical mistake. American copyright law imposes statutory damages on a copyright infringer even if there was no financial loss suffered by the copyright owner. There is no "but it's my family" exception to the copyright laws that lets us get away with copying someone else's copyrighted work. Citing any source we've used is critical to good genealogy but by itself won't protect us from a copyright infringement claim.

Even if the material isn't copyright-protected, failing to properly credit the work of others is an ethical violation. It makes it look like the work is ours when it was done by someone else and, by definition, that's plagiarism.

Rule #3. Don't share it at all if it isn't true. Perhaps as important as any of the other rules is the admonition not to share information—and particularly derogatory information—if it isn't true.

Merely recording in shared information that something we know isn't true is undocumented isn't good enough. We really do have an ethical obligation not to spread untruths—and we all know that putting an untruth online will guarantee that it's picked up and shared by others as well.

Even if our research suggests that the information we've turned up *could* be true, we need to be very clear about the difference between what we know and what we think might be true—what we can document and what we can't.

And, of course, even when it is true, we need to take care with living people whose life story has yet to reach its final chapter.

The Other Side of the Sharing Coin

Few of the genealogical ethics codes address the other side of the sharing coin: when we want someone else to share with us or have already received the benefit of sharing and now are being asked to share in return. But there are basic rules here that can guide us as well—and the most basic of all is the Golden Rule.

Rule #1. Don't ask someone to share what you wouldn't share. This seems like a fairly basic concept: we shouldn't ask anyone else to act in a way that we wouldn't if the positions were reversed. If we have an absolute rule against sharing data about living people, then we shouldn't ask others to share the data they have about the living people in their own trees. If we wouldn't share undocumented data that amounts to little more than gossip, we shouldn't ask others to share similar kinds of information.

Rule #2. Don't be stingy without a reason. There isn't a genealogist alive who doesn't have a favorite "find"—a family photograph or page of Bible entries, for example, that we may have been uncovered only after decades of work. When a cousin asks us to share this find, our first reaction may be to keep it close to our vests, to refuse to give to others what took us so much work to locate.

This collaborative field doesn't work that way. The rule in genealogy really is to share and share alike—we can't ask others to share with us if we're not willing to share in return.

That doesn't mean handing over all of our research willy-nilly. We may have good reasons not to share in a particular case and, when we have a good reason, we're under no obligation to share.

It also doesn't mean that we need to share *everything* just because someone has shared broadly with us. We're not required to disclose information about living people in our branch of the family because a cousin has unwisely send along information about the living people in her branch.

But it does mean that, before we say no to a sharing request, we should stop and ask ourselves why we're not willing to share. If we don't have a good reason, we should consider whether we're just being stingy.

Resources for Future Reading

Association of Professional Genealogists. *Code of Ethics and Professional Practices*. https://www.apgen.org/ethics/index.html

Board for Certification of Genealogists. *Genealogist's Code of Ethics*. https://bcgcertification.org/ethics-standards/code/

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