

New Limitations from the Ministry of Internal Affairs on Access to Israeli Documents

Israel Pickholtz

Following is a summary of recent correspondence I have had with the Ministry of the Interior [Misrad Hapnim] regarding new limitations that they have placed on access to information. I have previously summarized this correspondence for Chana Furman (President of IGS), Jan Meisels Allen (Chairperson of the Public Records Access Monitoring Committee, who has mentioned it in her report as shown earlier on the IAJGS website) and Dr. Sallyann Amdur Sack (as Chair of the Founding Committee of the International Institute for Jewish Genealogy).

Death Certificates

About seven years ago, I first requested death certificates from the Ministry of the Interior (Population Registry). The process was simple, quick, free and readily available. A standard form has to be filled which asked for the name, dates and places of birth and death, parents' names, identity number, etc. You fill in as much as you know and hope that is sufficient for identification. It was to be mailed to the district office where the person died and the certificate would be forthcoming within a few weeks. I did this maybe fifty times and generally there were no problems. A few times they would phone me to clarify some point or other or to wag a finger at me for sending it to the wrong district office. But the freshly printed certificate would show up, generally well within the thirty days they said to expect.

Truth be told, an Israeli death certificate does not have much information on it. It has spaces for name, parents' first names, dates of birth and death, nationality and ID number. No spouse, birth name, birth place, next of kin, place of burial. It is certainly nothing like United States death certificates which describe the cause of death – often in great detail – or tell us how long the deceased lived in the country or the jurisdiction, mother's maiden name, address and other information which varies from time to time

and jurisdiction to jurisdiction. I have often said that the Israeli death certificate states the fact of death while a typical US certificate describes the event of death.

And to be sure, just because there is a space for say mother's name, it doesn't mean it actually appears.

About three years ago, the Tel-Aviv District Office began refusing my requests. They said I needed demonstrate either that I am a first degree relative of the deceased or that I was given power of attorney from a first degree relative. I tried to clarify this by phone with the Ministry, but they insisted that this rule was meant to prevent use of the information by unscrupulous people. I pointed out that the web site of the Ministry of Defense has personal information for fallen soldiers – often more than appears on a death certificate, but they said this was of no interest to the Ministry of the Interior. Finally on 11 May 2004 I wrote a letter. And sent several reminders.

The response from Mrs. Esther Sharon, dated 10 July 2006 reads as follows:

In reply to your letter, I hereby inform you that according to the regulations, we do not issue death certificates to anyone besides a first degree relative or to a person who appears to have an interest in the matter and produces supporting evidence that he appears to have such an interest. In any case, this is what we have always done and there has been no change recently.

I replied on 19 July and told them that the part about the “person who appears to have an interest” seemed to be a perfect fit for genealogists. If not us, then who? And I reminded them that the second statement – about “no change” – is factually and demonstrably false. In a subsequent telephone conversation, they informed me that this was their final word. I also noted that the

“unscrupulous people” claim had been replaced by a “privacy” claim.

But it was not their final word, for I received one more letter – dated 2 August – from Attorney Odelia Edri of their legal office. The actual letter is reproduced in the Hebrew version of this article and the translation reads as follows:

Your letter referring to issuance of death certificates for the purpose of genealogical research was given to my attention, as follows:

- 1. Your letter is based on the idea that paragraph 29 of the Population Registry Law 5725-1975, which allows giving information about a person to someone who has an apparent interest. Your claim is that personal genealogical research is an apparent interest.*
- 2. Our position is that the desire to do research, either personally or for an international community who deals in this area, does not constitute “an apparent interest” which warrants giving such substantial information on the private matters of any person, whether living or dead, because a person is entitled to respect and **privacy** even after his death.*
- 3. The interpretation of paragraph 29 of the Registry Law, as supported by the Supreme Court in High Court of Justice 8070/98, Citizens’ Rights Organization vs. Ministry of the Interior et al, is that this paragraph should be given a narrow interpretation by virtue of the protections in the Law for Protection of Privacy 5741-1981, and therefore to narrow those instances where information which might impose on privacy is given.*
- 4. Further the Law for Protection of Privacy 5741-1981 forbids a public body from giving any information about a person, unless the information has been made public or unless the person concerned has given his permission (see paragraph 23b of the law).*
- 5. Therefore, fulfilling your request to receive death certificates about strangers is an invasion of privacy and is therefore forbidden.*
- 6. However, all generalizations have ex-*

ceptions, which allow giving information. The relevant exception in this case would permit giving information for research purposes if it is limited to institutions which have been recognized as institutions of higher learning and the transfer of such information would be permitted only for research. See on this matter item 3 of the Privacy Protection regulations (determining public bodies) 5746-1986.

7. The response of Mrs Esther Sharon, that death certificates cannot be issued to just anyone, is according to this policy.

I was tempted to remind them that the Ministry of Defense has no problem with privacy restrictions. I was tempted to point out that everyone rejoices when cousins reunite after sixty years, but that these limitations make such reunions much more difficult. I was tempted to point out that the claim of privacy for the long dead was exactly what the Germans claimed regarding the Arolsen records, according to a policy that eleven governments, including Israel, had recently voted to overturn.

But I read and reread paragraph six, thought about the new International Institute for Jewish Genealogy and decided to hold my tongue, for now.

Excerpts from Mandatory Citizenship Files

The Israel State Archives in Jerusalem holds most of the citizenship files from the Mandatory Government for the period 1933-1948 and an index of these files is on microfilm. Earlier files were lost before the index was made. The microfilms are available to the public in the Archives reading room and the index contains name, birthplace, year of birth and file number. Over the years, I have ordered any number of files – for myself and for others – and the Archives staff would make copies. It can take a few weeks and the cost is nominal. The actual files do not have a great deal of information, but they are often of value, as they may contain information on accompanying family members, date of aliyah, passport photos, traces of the person’s first years in Israel and occasional other tidbits. One file even had a substantial

correspondence from 1968 with the Ministry of the Interior, regarding an attempt to reclaim Austrian citizenship.

Last year, the Archives staff informed me that they were no longer permitted to show or copy files that are less than seventy years old. They suggested, however, that I could get an excerpt from the Ministry of the Interior, though it was not clear what such an excerpt might include.

I wrote the Ministry on 12 February 2006 asking for clarification and they acknowledged my letter on 9 March. To date they have not responded further, despite several reminders. Since it seems to me that there is no significant difference between these files and the death certificate issue, I wrote to Attorney Edri on 12 October suggesting that the same policy might apply.

This is where it stands now.

Israel Pickholtz was born in Pittsburgh shortly before the establishment of the State. He has been in Israel for thirty-three years, mostly in the Negev but the last fifteen years in Gush Etzion. His interest in genealogy began as a child, but he didn't do much about it until about twelve years ago. For the last eight years, he has been working on a project to identify and connect all Pikholtz families everywhere. Israel is a member-at-large of the Geshet Galicia Steering Committee. Israel is married to Frances Silberstein Safien (of the London Silbersteins) and is a member of the Negev Branch of IGS.

*The Pikholtz Project web site is at:
www.pikholtz.org*