

**LABOR & EMPLOYMENT LAW  
LEGISLATION UPDATE**

**JANUARY 25, 2010**

**Act No. 191 of December 22, 2009 (“Act 191”)**

Act No.191 of December 22, 2009, prohibits all public and private entities from retaining, maintaining, filing or keeping in their custody certified copies of birth certificates issued by the Demographic Registry of the Puerto Rico Department of Health (hereon “Demographic Registry”) that any person presents to them. The statute applies to all employers in Puerto Rico. Act No. 191 further provides that whenever a certified copy of a birth certificate is needed, it will be enough to solely show the certified copy issued by the Demographic Registry.

Nevertheless, public and private entities will be allowed to retain or file for record-keeping purposes a copy, in either electronic or digital format, of the certified copy of the birth certificate. Because the purpose of Act No. 191 is to protect individuals against identity theft and fraud, the statute only forbids retention by public or private entities of the original certified copy of the birth certificate.

Act No. 191 also annuls all certified copies of birth certificates issued before July 1, 2010. These will not be valid for any purpose for which they were requested from that date forward or 15 days from their issuance, whichever is later. The statute clarifies that this should not be construed as invalidating any matter initiated before July 1, 2010, with a certified copy issued before said date.

In addition, any entity that acts in violation of Act No. 191 will incur in a misdemeanor. It will also be liable for the total amount of damages caused to the interested party as a consequence of violating the statute. This law is effective as of December 22, 2009.

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the following attorneys:

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\* pending admission

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