

SENATE BILL No. 81

By Committee on Judiciary

1-28

1 AN ACT concerning open records, relating to public officials' identifying
2 information; amending K.S.A. 2012 Supp. 45-221 and repealing the
3 existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-
4 221k.

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 45-221 is hereby amended to read as
7 follows: 45-221. (a) Except to the extent disclosure is otherwise required
8 by law, a public agency shall not be required to disclose:

- 9 (1) Records the disclosure of which is specifically prohibited or
- 10 restricted by federal law, state statute or rule of the Kansas supreme court
- 11 or rule of the senate committee on confirmation oversight relating to
- 12 information submitted to the committee pursuant to K.S.A. 2012 Supp. 75-
- 13 4315d, and amendments thereto, or the disclosure of which is prohibited or
- 14 restricted pursuant to specific authorization of federal law, state statute or
- 15 rule of the Kansas supreme court or rule of the senate committee on
- 16 confirmation oversight relating to information submitted to the committee
- 17 pursuant to K.S.A. 2012 Supp. 75-4315d, and amendments thereto, to
- 18 restrict or prohibit disclosure.
- 19
- 20 (2) Records which are privileged under the rules of evidence, unless
- 21 the holder of the privilege consents to the disclosure.
- 22
- 23 (3) Medical, psychiatric, psychological or alcoholism or drug
- 24 dependency treatment records which pertain to identifiable patients.
- 25
- 26 (4) Personnel records, performance ratings or individually identifiable
- 27 records pertaining to employees or applicants for employment, except that
- 28 this exemption shall not apply to the names, positions, salaries or actual
- 29 compensation employment contracts or employment-related contracts or
- 30 agreements and lengths of service of officers and employees of public
- 31 agencies once they are employed as such.
- 32
- 33 (5) Information which would reveal the identity of any undercover
- 34 agent or any informant reporting a specific violation of law.
- 35
- 36 (6) Letters of reference or recommendation pertaining to the character
- or qualifications of an identifiable individual, except documents relating to
- the appointment of persons to fill a vacancy in an elected office.
- (7) Library, archive and museum materials contributed by private
- persons, to the extent of any limitations imposed as conditions of the

SB81-Balloon-Bartolac

Prepared By: Jason Thompson,
Office of Revisor of Statutes
February 7, 2013

Senate Judiciary Committee
Date: 2-25-13
Attachment: 18

1 form is required to perfect the claim of military service or honorable
2 discharge or a claim of a dependent of the discharge; and upon the written
3 approval of the commissioner of veterans affairs, to a person conducting
4 research.

5 (47) Information that would reveal the location of a shelter or a
6 safehouse or similar place where persons are provided protection from
7 abuse or the name, address, location or other contact information of
8 alleged victims of stalking, domestic violence or sexual assault.

9 (48) Policy information provided by an insurance carrier in
10 accordance with subsection (h)(1) of K.S.A. 44-532, and amendments
11 thereto. This exemption shall not be construed to preclude access to an
12 individual employer's record for the purpose of verification of insurance
13 coverage or to the department of labor for their business purposes.

14 (49) An individual's e-mail address, cell phone number and other
15 contact information which has been given to the public agency for the
16 purpose of public agency notifications or communications which are
17 widely distributed to the public.

18 (50) Information provided by providers to the local collection point
19 administrator or to the 911 coordinating council pursuant to the Kansas
20 911 act, and amendments thereto, upon request of the party submitting
21 such records.

22 (51) Records of a public agency on a public website which are
23 searchable by a keyword search and identify the home address or home
24 ownership of a law enforcement officer as defined in K.S.A. 2012 Supp.
25 21-5111, and amendments thereto, parole officer, probation officer, court
26 services officer or community correctional services officer. **Strike**
27 ~~head of such law enforcement office, parole office, probation office, court~~
28 ~~services office or community correctional services office or such~~

29 individual officer shall file with the custodian of such record a request to
30 have such officer's identifying information ~~removed~~ **restricted** from public
31 access on such public website. Within seven 10 business days of receipt of
32 such requests, the public agency shall ~~remove~~ **restrict** such officer's
33 identifying information from such public access. **Strike**

34 (52) Records of a public agency on a public website which are
35 searchable by a keyword search and identify the home address or home
36 ownership of a federal judge, a justice of the supreme court, a judge of the
37 court of appeals, a district judge, a district magistrate judge, the United
38 States attorney for the district of Kansas, an assistant United States
39 attorney, the attorney general, an assistant attorney general, a district
40 attorney or county attorney or an assistant district attorney or assistant
41 county attorney. Such person ~~or such person's employer~~ shall file with the
42 custodian of such record a request to have such person's identifying
43 information ~~removed~~ **restricted** from public access on such public website.

Such restriction shall expire after five years
and such officer may file with the custodian
of such record a new request for restriction at
any time.

Strike

1 Within ~~seven~~ 10 business days of receipt of such requests, the public
2 agency shall ~~remove~~ restrict such person's identifying information from
3 such public access.

Such restriction shall expire after five years
and such person may file with the custodian
of such record a new request for restriction at
any time.

4 (b) Except to the extent disclosure is otherwise required by law or as
5 appropriate during the course of an administrative proceeding or on appeal
6 from agency action, a public agency or officer shall not disclose financial
7 information of a taxpayer which may be required or requested by a county
8 appraiser or the director of property valuation to assist in the determination
9 of the value of the taxpayer's property for ad valorem taxation purposes; or
10 any financial information of a personal nature required or requested by a
11 public agency or officer, including a name, job description or title
12 revealing the salary or other compensation of officers, employees or
13 applicants for employment with a firm, corporation or agency, except a
14 public agency. Nothing contained herein shall be construed to prohibit the
15 publication of statistics, so classified as to prevent identification of
16 particular reports or returns and the items thereof.

17 (c) As used in this section, the term "cited or identified" shall not
18 include a request to an employee of a public agency that a document be
19 prepared.

20 (d) If a public record contains material which is not subject to
21 disclosure pursuant to this act, the public agency shall separate or delete
22 such material and make available to the requester that material in the
23 public record which is subject to disclosure pursuant to this act. If a public
24 record is not subject to disclosure because it pertains to an identifiable
25 individual, the public agency shall delete the identifying portions of the
26 record and make available to the requester any remaining portions which
27 are subject to disclosure pursuant to this act, unless the request is for a
28 record pertaining to a specific individual or to such a limited group of
29 individuals that the individuals' identities are reasonably ascertainable, the
30 public agency shall not be required to disclose those portions of the record
31 which pertain to such individual or individuals.

32 (e) The provisions of this section shall not be construed to exempt
33 from public disclosure statistical information not descriptive of any
34 identifiable person.

35 (f) Notwithstanding the provisions of subsection (a), any public
36 record which has been in existence more than 70 years shall be open for
37 inspection by any person unless disclosure of the record is specifically
38 prohibited or restricted by federal law, state statute or rule of the Kansas
39 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and
40 amendments thereto.

41 (g) Any confidential records or information relating to security
42 measures provided or received under the provisions of subsection (a)(45)
43 shall not be subject to subpoena, discovery or other demand in any

- 1 administrative, criminal or civil action.
- 2 Sec. 2. K.S.A. 2012 Supp. 45-221, 45-221j and 45-221k are hereby
- 3 repealed.
- 4 Sec. 3. This act shall take effect and be in force from and after its
- 5 publication in the statute book.