

HOUSE BILL No. 2700

By Representative Esau

2-7

1 AN ACT concerning public records; regarding disclosure of personal
2 information; social security numbers; **{notice of unauthorized**
3 **disclosure;}** amending K.S.A. 2017 Supp. 75-3520 and repealing the
4 existing section.

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

7 Section 1. K.S.A. 2017 Supp. 75-3520 is hereby amended to read as
8 follows: 75-3520. (a) (1) Unless required by federal law, no document
9 available for public inspection or copying shall contain an individual's
10 social security number if such document contains such individual's
11 personal information. "Personal information" shall include, but not be
12 limited to, name, address, phone number or e-mail address.

13 (2) The provisions of ~~paragraph~~ **paragraphs (1) and (3)** of this
14 subsection shall not apply to documents recorded in the official records of
15 any recorder of deeds of the county or to any documents filed in the
16 official records of the court and shall be included, but not limited to, such
17 documents of any records that when filed constitutes:

- 18 ~~(1)~~(A) A consensual or nonconsensual lien;
19 ~~(2)~~(B) an eviction record;
20 ~~(3)~~(C) a judgment;
21 ~~(4)~~(D) a conviction or arrest;
22 ~~(5)~~(E) a bankruptcy;
23 ~~(6)~~(F) a secretary of state filing; or
24 ~~(7)~~(G) a professional license.

25 (3) *Any document or record that contains all or any portion of an*
26 *individual's social security number shall have all portions of all social*
27 *security numbers redacted before the document or record is made*
28 *available for public inspection or copying.*

29 **{(4) (A) An agency shall give notice as defined in K.S.A. 2017**
30 **Supp. 50-7a01, and amendments thereto, to any individual whose**
31 **personal information was disclosed in violation of this subsection**
32 **when it becomes aware of the unauthorized disclosure. Notice shall be**
33 **made in the most expedient time possible and without unreasonable**
34 **delay, consistent with the legitimate needs of law enforcement and any**

1 **measures necessary to determine the scope of unauthorized**
2 **disclosures.**

3 **(B) The agency shall offer to such individuals credit monitoring**
4 **services at no cost for a period of one year. The agency shall provide**
5 **all information necessary for such individual to enroll in such services**
6 **and shall include information on how such individual can place a**
7 **security freeze on such individual's consumer report.}**

8 (b) (1) No person, including an individual, firm, corporation,
9 association, partnership, joint venture or other business entity, or any
10 employee or agent therefor, shall solicit, require or use for commercial
11 purposes an individual's social security number unless such number is
12 necessary for such person's normal course of business and there is a
13 specific use for such number for which no other identifying number may
14 be used.

15 (2) Paragraph (1) of this subsection does not apply to documents or
16 records that are recorded or required to be open to the public pursuant to
17 state or federal law, or by court rule or order, and this paragraph does not
18 limit access to these documents or records.

19 (3) Paragraph (1) of this subsection does not apply to the collection,
20 use or release of social security numbers for the following purposes:

21 (A) Mailing of documents that include social security numbers sent
22 as part of an application or enrollment process or to establish, amend or
23 terminate an account, contract or policy or to confirm the accuracy of the
24 social security number;

25 (B) internal verification or administrative purposes;

26 (C) investigate or prevent fraud, conduct background checks, conduct
27 social or scientific research, collect a debt, obtain a credit report from or
28 furnish data to a consumer reporting agency pursuant to the fair credit
29 reporting act, 15 U.S.C. § 1681 et seq., undertake a permissible purpose
30 enumerated under the Gramm-Leach Bliley Act, 15 U.S.C. § 6802 (e), or
31 locate an individual who is missing, a lost relative, or due a benefit, such
32 as pension, insurance or unclaimed property benefit; or

33 (D) otherwise required by state or federal law or regulation.

34 (c) An individual who is aggrieved by a violation of this section may
35 recover a civil penalty of not more than \$1,000 for each violation.

36 Sec. 2. K.S.A. 2017 Supp. 75-3520 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.