

To: Senate Ethics, Elections and Local Government Committee

From: Deborah Barnes, Staff Attorney

Date: March 11, 2020

RE: Proponent for SB 454

I want to thank Chairwoman Bowers and the members of the Committee for giving the League of Kansas Municipalities the opportunity to provide testimony in support of SB 454.

While the general rule in Kansas is that all public records should be open to inspection by the public, there are well established public policy reasons why certain records, because of important privacy or security reasons, should not be open. Security concerns drive the need for the two exceptions added by SB 454; an explicit exemption for a public agency's records about cyber security threats, and the addition of records of election security information and procedures.

Our members will benefit in particular from the cyber security threat exemption. Unfortunately, our municipalities are increasingly subject to cyber threats, and need to be able to protect their security protocols from attack. Making available information about what defensive measures were used to detect, prevent, or mitigate cyber security attacks can expose systems to additional attacks and result in increased vulnerabilities to the system. This increase in risk is substantial and justifies an explicit exemption for disclosure under the Kansas Open Records Act (KORA). By explicitly adding in cyber security threats to the exemptions, SB 454 strengthens existing protection for security information or procedures of a public agency afforded by, for instance, K.S.A. 45-221(a)(10) criminal investigation records and (a)(12) records of security information.

For these reasons, the League supports SB 454 and respectfully asks this Committee to pass the bill favorably out of committee.