

To: Senate Committee on Transparency and Ethics

From: Amanda L. Stanley, General Counsel

Date: March 23, 2021

RE: Proponent Testimony for HB 2292

We 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 HB 2292.

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 exception added by HB 2292; an explicit exemption for a public agency's records involving cybersecurity including assessments, plans, and vulnerabilities.

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). While we do believe current law already allows these records to be withheld under K.S.A. 45-221(a)(12) and K.S.A. 45-221(a)(10), by explicitly adding cybersecurity records to the list of exemptions, HB 2292 removes any question regarding this state's public policy position on cybersecurity.

For these reasons, the League supports HB 2292 and respectfully asks this Committee to pass the bill favorably out of committee to the full Senate for its consideration.