



To: Senate Federal and State Affairs

From: Nathan Eberline – Associate Legislative Director & Legal Counsel

Date: March 19, 20113

Re: House Bill 2012 (Open Records Disclosure)

The Kansas Open Records Act (KORA) sets a policy of openness—a presumption that public records are open to anyone.¹ There are, however, certain instances when Kansas provides exceptions to this policy. These exceptions are narrow but important.

K.S.A. 45-229 provides exceptions to disclosure if: “(1) The public record is of a sensitive or personal nature concerning individuals; (2) the public record is necessary for the effective and efficient administration of a governmental program; or (3) the public record affects confidential information.” These exceptions complement the State’s presumption of openness in government by allowing confidentiality in sensitive matters. Further, the statutes in HB 2012 have not been contentious in the courts. HB 2012 simply extends the exceptions for five more years until 2018.

The Kansas Association of Counties supports the extension of the KORA exceptions in HB 2012. Our organization will provide any additional information regarding the application of this law at the county level.

¹ K.S.A. 45-215 et seq.