



To: Senate Federal & State Affairs
From: Kim Winn, Deputy Director
Date: March 19, 2013
Re: Support for HB 2128

Thank you for the opportunity to appear today in support of HB 2128 which protects certain information regarding cyber security from mandatory disclosure under the Kansas Open Records Act (KORA). Cities have a twofold interest in this legislation. First, a city and local law enforcement agencies may be in possession of such information. In addition, as cities are also utility providers in some cases, the municipal utility might also be the subject of the security threat.

Security issues also arise in the context of individual personal information maintained by a local utility. Subsection (a)(26) of K.S.A. 45-221 deals with this issue, but the current language has been a challenge to interpret. The first part of the exemption provides that “[r]ecords of a utility or other public service pertaining to individually identifiable residential customers of the utility or service” shall not be subject to mandatory disclosure. Then, the very next part of that sentence reads “except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.”

Individuals have utilized this language to try to get personal information about citizens who are customers of city water, sewer, and other utilities. In some instances, stalkers, estranged spouses, debt collectors, and others have utilized city hall as a mechanism to find individuals. We believe that this was never the intent of this language and we are quite concerned about providing personal information about citizens under this exemption. It is absolutely appropriate to provide information regarding utility usage and cost information. People often use this information when considering whether to buy a home, for example. However, it is not appropriate for personal information (including addresses) to be provided simply because that individual happens to be signed up for water through the city utility.

The House Judiciary Committee inserted language to address this very important issue. It is found on page 4, lines 19 and 20. We believe that this will clarify this exception in order to protect the security of our citizens who happen to be customers of local utilities.

We respectfully request that this Committee recommend this bill favorably for passage. Thank you in advance for your consideration. I would be happy to stand for questions at the appropriate time.