

**SENATE BILL No. 434**

By Committee on Judiciary

2-1

1 AN ACT concerning public records; relating to records that contain  
2 captured license plate data or that pertain to the location of an  
3 automated license plate recognition system; disclosure thereof under  
4 the open records act; amending K.S.A. 45-217, 45-220 and 45-221 and  
5 repealing the existing sections.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 45-217 is hereby amended to read as follows: 45-  
9 217. As used in the open records act, unless the context otherwise requires:

10 (a) *"Automated license plate recognition system" means one or more*  
11 *high-speed cameras combined with computer algorithms used to convert*  
12 *images of license plates into computer readable data.*

13 (b) *"Business day" means any day other than a Saturday, Sunday or*  
14 *day designated as a holiday by the congress of the United States, by the*  
15 *legislature or governor of this state or by the respective political*  
16 *subdivision of this state.*

17 (c) *"Captured license plate data" means the global positioning device*  
18 *coordinates, date and time, photograph, license plate number and any*  
19 *other data captured by or derived from an automated license plate*  
20 *recognition system.*

21 ~~(b)~~(d) *"Clearly unwarranted invasion of personal privacy" means*  
22 *revealing information that would be highly offensive to a reasonable*  
23 *person, including information that may pose a risk to a person or property*  
24 *and is not of legitimate concern to the public.*

25 ~~(e)~~(e) *"Criminal investigation records" means:*

26 (1) Every audio or video recording made and retained by law  
27 enforcement using a body camera or vehicle camera as defined by K.S.A.  
28 45-254, and amendments thereto; and

29 (2) records of an investigatory agency or criminal justice agency as  
30 defined by K.S.A. 22-4701, and amendments thereto, compiled in the  
31 process of preventing, detecting or investigating violations of criminal law,  
32 but does not include police blotter entries, court records, rosters of inmates  
33 of jails or other correctional or detention facilities or records pertaining to  
34 violations of any traffic law other than vehicular homicide as defined by  
35 K.S.A. 21-3405, prior to its repeal, or K.S.A. 2021 Supp. 21-5406, and  
36 amendments thereto.

1       ~~(d)~~(f) "Custodian" means the official custodian or any person  
2 designated by the official custodian to carry out the duties of custodian of  
3 this act.

4       ~~(e)~~(g) "Cybersecurity assessment" means an investigation undertaken  
5 by a person, governmental body or other entity to identify vulnerabilities  
6 in cybersecurity plans.

7       ~~(f)~~(h) "Cybersecurity plan" means information about a person's  
8 information systems, network security, encryption, network mapping,  
9 access control, passwords, authentication practices, computer hardware or  
10 software or response to cybersecurity incidents.

11       ~~(g)~~(i) "Cybersecurity vulnerability" means a deficiency within  
12 computer hardware or software, or within a computer network or  
13 information system, that could be exploited by unauthorized parties for use  
14 against an individual computer user or a computer network or information  
15 system.

16       ~~(h)~~(j) "Official custodian" means any officer or employee of a public  
17 agency who is responsible for the maintenance of public records,  
18 regardless of whether such records are in the officer's or employee's actual  
19 personal custody and control.

20       ~~(i)~~(k) (1) "Public agency" means the state or any political or taxing  
21 subdivision of the state or any office, agency or instrumentality thereof, or  
22 any other entity receiving or expending and supported in whole or in part  
23 by the public funds appropriated by the state or by public funds of any  
24 political or taxing subdivision of the state.

25       (2) "Public agency" does not include:

26       (A) Any entity solely by reason of payment from public funds for  
27 property, goods or services of such entity; or

28       (B) any municipal judge, judge of the district court, judge of the court  
29 of appeals or justice of the supreme court.

30       ~~(j)~~(l) (1) "Public record" means any recorded information, regardless  
31 of form, characteristics or location, ~~which~~ *that* is made, maintained or kept  
32 by or is in the possession of:

33       (A) Any public agency; or

34       (B) any officer or employee of a public agency pursuant to the  
35 officer's or employee's official duties and ~~which~~ *that* is related to the  
36 functions, activities, programs or operations of any public agency.

37       (2) "Public record" includes, but is not limited to, an agreement in  
38 settlement of litigation involving the Kansas public employees retirement  
39 system and the investment of moneys of the fund.

40       (3) Notwithstanding the provisions of ~~subsection (j)(1)~~ *paragraph*  
41 *(1)*, "public record" does not include:

42       (A) Records that are owned by a private person or entity and are not  
43 related to functions, activities, programs or operations funded by public

1 funds. As used in this subparagraph, "private person" does not include an  
2 officer or employee of a public agency who is acting pursuant to the  
3 officer's or employee's official duties;

4 (B) records that are made, maintained or kept by an individual who is  
5 a member of the legislature or of the governing body of any political or  
6 taxing subdivision of the state; or

7 (C) records of employers related to the employer's individually  
8 identifiable contributions made on behalf of employees for workers  
9 compensation, social security, unemployment insurance or retirement. The  
10 provisions of this subparagraph shall not apply to records of employers of  
11 lump-sum payments for contributions as described in this subparagraph  
12 paid for any group, division or section of an agency.

13 ~~(k)~~(m) "Undercover agent" means an employee of a public agency  
14 responsible for criminal law enforcement who is engaged in the detection  
15 or investigation of violations of criminal law in a capacity where such  
16 employee's identity or employment by the public agency is secret.

17 Sec. 2. K.S.A. 45-220 is hereby amended to read as follows: 45-220.

18 (a) Each public agency shall adopt procedures to be followed in requesting  
19 access to and obtaining copies of public records, which procedures shall  
20 provide full access to public records, protect public records from damage  
21 and disorganization, prevent excessive disruption of the agency's essential  
22 functions, provide assistance and information upon request and ~~insure~~  
23 *ensure* efficient and timely action in response to applications for inspection  
24 of public records.

25 (b) A public agency may require a written request for inspection of  
26 public records but shall not otherwise require a request to be made in any  
27 particular form. Except as otherwise provided by subsection (c), a public  
28 agency shall not require that a request contain more information than the  
29 requester's name and address and the information necessary to ascertain  
30 the records to which the requester desires access and the requester's right  
31 of access to the records. A public agency may require proof of identity of  
32 any person requesting access to a public record. No request shall be  
33 returned, delayed or denied because of any technicality unless it is  
34 impossible to determine the records to which the requester desires access.

35 (c) If access to public records of an agency or the purpose for which  
36 the records may be used is limited pursuant to K.S.A. 45-221 or ~~K.S.A.~~  
37 45-230, and amendments thereto, the agency may require a person  
38 requesting the records or information therein to provide written  
39 certification that:

40 (1) The requester has a right of access to the records and the basis of  
41 that right; or

42 (2) the requester does not intend to, and will not:

43 (A) Use any list of names or addresses contained in or derived from

1 the records or information for the purpose of selling or offering for sale  
2 any property or service to any person listed or to any person who resides at  
3 any address listed; or

4 (B) sell, give or otherwise make available to any person any list of  
5 names or addresses contained in or derived from the records or  
6 information for the purpose of allowing that person to sell or offer for sale  
7 any property or service to any person listed or to any person who resides at  
8 any address listed.

9 (d) A public agency shall establish, for business days when it does not  
10 maintain regular office hours, reasonable hours when persons may inspect  
11 and obtain copies of the agency's records. The public agency may require  
12 that any person desiring to inspect or obtain copies of the agency's records  
13 during such hours so notify the agency, but such notice shall not be  
14 required to be in writing and shall not be required to be given more than 24  
15 hours prior to the hours established for inspection and obtaining copies.

16 (e) Each official custodian of public records shall designate such  
17 persons as necessary to carry out the duties of custodian under this act and  
18 shall ensure that a custodian is available during regular business hours of  
19 the public agency to carry out such duties.

20 (f) Each public agency shall provide, upon request of any person, the  
21 following information:

22 (1) The principal office of the agency, its regular office hours and any  
23 additional hours established by the agency pursuant to subsection (c).

24 (2) The title and address of the official custodian of the agency's  
25 records and of any other custodian who is ordinarily available to act on  
26 requests made at the location where the information is displayed.

27 (3) The fees, if any, charged for access to or copies of the agency's  
28 records.

29 (4) The procedures to be followed in requesting access to and  
30 obtaining copies of the agency's records, including procedures for giving  
31 notice of a desire to inspect or obtain copies of records during hours  
32 established by the agency pursuant to subsection (c).

33 (g) (1) Except for requests of summary data compiled from  
34 information submitted by multiple criminal justice agencies or as  
35 otherwise provided by law, requests for records submitted to the central  
36 repository or any other repositories supporting the criminal justice  
37 information system that are maintained by the Kansas bureau of  
38 investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments  
39 thereto, shall be directed to the criminal justice agency from which the  
40 records originated.

41 (2) As used in this subsection, the terms "central repository,"  
42 "criminal justice agency" and "criminal justice information system" have  
43 the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

1 (h) Except for requests of summary data compiled from information  
2 submitted by multiple law enforcement agencies or as otherwise provided  
3 by law, requests for records submitted to the Kansas asset seizure and  
4 forfeiture repository that are maintained by the Kansas bureau of  
5 investigation pursuant to K.S.A. 2021 Supp. 60-4127, and amendments  
6 thereto, shall be directed to the law enforcement agency from which the  
7 records originated.

8 (i) Requests for records defined as "files" pursuant to K.S.A. 75-  
9 4379, and amendments thereto, submitted to a state or local law  
10 enforcement agency or governmental agency shall be directed to the state  
11 or local law enforcement agency or governmental agency that made,  
12 maintained or kept such files, as required by K.S.A. 75-4379, and  
13 amendments thereto.

14 (j) *Requests for records that contain captured license plate data or*  
15 *that pertain to the location of an automated license plate recognition*  
16 *system submitted to a state or local law enforcement agency or*  
17 *governmental agency shall be directed to the state or local law*  
18 *enforcement agency or governmental agency that owns, leases or*  
19 *contracts for the automated license plate recognition system.*

20 Sec. 3. K.S.A. 45-221 is hereby amended to read as follows: 45-221.

21 (a) Except to the extent disclosure is otherwise required by law, a public  
22 agency shall not be required to disclose:

23 (1) Records the disclosure of which is specifically prohibited or  
24 restricted by federal law, state statute or rule of the Kansas supreme court  
25 or rule of the senate committee on confirmation oversight relating to  
26 information submitted to the committee pursuant to K.S.A. 75-4315d, and  
27 amendments thereto, or the disclosure of which is prohibited or restricted  
28 pursuant to specific authorization of federal law, state statute or rule of the  
29 Kansas supreme court or rule of the senate committee on confirmation  
30 oversight relating to information submitted to the committee pursuant to  
31 K.S.A. 75-4315d, and amendments thereto, to restrict or prohibit  
32 disclosure.

33 (2) Records that are privileged under the rules of evidence, unless the  
34 holder of the privilege consents to the disclosure.

35 (3) Medical, psychiatric, psychological or alcoholism or drug  
36 dependency treatment records that pertain to identifiable patients.

37 (4) Personnel records, performance ratings or individually identifiable  
38 records pertaining to employees or applicants for employment, except that  
39 this exemption shall not apply to the names, positions, salaries or actual  
40 compensation employment contracts or employment-related contracts or  
41 agreements and lengths of service of officers and employees of public  
42 agencies once they are employed as such.

43 (5) Information that would reveal the identity of any undercover

1 agent or any informant reporting a specific violation of law.

2 (6) Letters of reference or recommendation pertaining to the character  
3 or qualifications of an identifiable individual, except documents relating to  
4 the appointment of persons to fill a vacancy in an elected office.

5 (7) Library, archive and museum materials contributed by private  
6 persons, to the extent of any limitations imposed as conditions of the  
7 contribution.

8 (8) Information that would reveal the identity of an individual who  
9 lawfully makes a donation to a public agency, if anonymity of the donor is  
10 a condition of the donation, except if the donation is intended for or  
11 restricted to providing remuneration or personal tangible benefit to a  
12 named public officer or employee.

13 (9) Testing and examination materials, before the test or examination  
14 is given or if it is to be given again, or records of individual test or  
15 examination scores, other than records that show only passage or failure  
16 and not specific scores.

17 (10) Criminal investigation records, except as provided herein. The  
18 district court, in an action brought pursuant to K.S.A. 45-222, and  
19 amendments thereto, may order disclosure of such records, subject to such  
20 conditions as the court may impose, if the court finds that disclosure:

21 (A) Is in the public interest;

22 (B) would not interfere with any prospective law enforcement action,  
23 criminal investigation or prosecution;

24 (C) would not reveal the identity of any confidential source or  
25 undercover agent;

26 (D) would not reveal confidential investigative techniques or  
27 procedures not known to the general public;

28 (E) would not endanger the life or physical safety of any person; and

29 (F) would not reveal the name, address, phone number or any other  
30 information that specifically and individually identifies the victim of any  
31 sexual offense described in article 35 of chapter 21 of the Kansas Statutes  
32 Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas  
33 Statutes Annotated, and amendments thereto.

34 If a public record is discretionarily closed by a public agency pursuant  
35 to this subsection, the record custodian, upon request, shall provide a  
36 written citation to the specific provisions of subparagraphs (A) through (F)  
37 that necessitate closure of that public record.

38 (11) Records of agencies involved in administrative adjudication or  
39 civil litigation, compiled in the process of detecting or investigating  
40 violations of civil law or administrative rules and regulations, if disclosure  
41 would interfere with a prospective administrative adjudication or civil  
42 litigation or reveal the identity of a confidential source or undercover  
43 agent.

1 (12) Records of emergency or security information or procedures of a  
2 public agency, if disclosure would jeopardize public safety, including  
3 records of cybersecurity plans, cybersecurity assessments and  
4 cybersecurity vulnerabilities or procedures related to cybersecurity plans,  
5 cybersecurity assessments and cybersecurity vulnerabilities, or plans,  
6 drawings, specifications or related information for any building or facility  
7 that is used for purposes requiring security measures in or around the  
8 building or facility or that is used for the generation or transmission of  
9 power, water, fuels or communications, if disclosure would jeopardize  
10 security of the public agency, building or facility.

11 (13) The contents of appraisals or engineering or feasibility estimates  
12 or evaluations made by or for a public agency relative to the acquisition of  
13 property, prior to the award of formal contracts therefor.

14 (14) Correspondence between a public agency and a private  
15 individual, other than correspondence that is intended to give notice of an  
16 action, policy or determination relating to any regulatory, supervisory or  
17 enforcement responsibility of the public agency or that is widely  
18 distributed to the public by a public agency and is not specifically in  
19 response to communications from such a private individual.

20 (15) Records pertaining to employer-employee negotiations, if  
21 disclosure would reveal information discussed in a lawful executive  
22 session under K.S.A. 75-4319, and amendments thereto.

23 (16) Software programs for electronic data processing and  
24 documentation thereof, but each public agency shall maintain a register,  
25 open to the public, that describes:

26 (A) The information that the agency maintains on computer facilities;  
27 and

28 (B) the form in which the information can be made available using  
29 existing computer programs.

30 (17) Applications, financial statements and other information  
31 submitted in connection with applications for student financial assistance  
32 where financial need is a consideration for the award.

33 (18) Plans, designs, drawings or specifications that are prepared by a  
34 person other than an employee of a public agency or records that are the  
35 property of a private person.

36 (19) Well samples, logs or surveys that the state corporation  
37 commission requires to be filed by persons who have drilled or caused to  
38 be drilled, or are drilling or causing to be drilled, holes for the purpose of  
39 discovery or production of oil or gas, to the extent that disclosure is  
40 limited by rules and regulations of the state corporation commission.

41 (20) Notes, preliminary drafts, research data in the process of  
42 analysis, unfunded grant proposals, memoranda, recommendations or  
43 other records in which opinions are expressed or policies or actions are

1 proposed, except that this exemption shall not apply when such records are  
2 publicly cited or identified in an open meeting or in an agenda of an open  
3 meeting.

4 (21) Records of a public agency having legislative powers that pertain  
5 to proposed legislation or amendments to proposed legislation, except that  
6 this exemption shall not apply when such records are:

7 (A) Publicly cited or identified in an open meeting or in an agenda of  
8 an open meeting; or

9 (B) distributed to a majority of a quorum of any body that has  
10 authority to take action or make recommendations to the public agency  
11 with regard to the matters to which such records pertain.

12 (22) Records of a public agency having legislative powers that pertain  
13 to research prepared for one or more members of such agency, except that  
14 this exemption shall not apply when such records are:

15 (A) Publicly cited or identified in an open meeting or in an agenda of  
16 an open meeting; or

17 (B) distributed to a majority of a quorum of any body that has  
18 authority to take action or make recommendations to the public agency  
19 with regard to the matters to which such records pertain.

20 (23) Library patron and circulation records that pertain to identifiable  
21 individuals.

22 (24) Records that are compiled for census or research purposes and  
23 which pertain to identifiable individuals.

24 (25) Records that represent and constitute the work product of an  
25 attorney.

26 (26) Records of a utility or other public service pertaining to  
27 individually identifiable residential customers of the utility or service.

28 (27) Specifications for competitive bidding, until the specifications  
29 are officially approved by the public agency.

30 (28) Sealed bids and related documents, until a bid is accepted or all  
31 bids rejected.

32 (29) Correctional records pertaining to an identifiable inmate or  
33 release, except that:

34 (A) The name; photograph and other identifying information;  
35 sentence data; parole eligibility date; custody or supervision level;  
36 disciplinary record; supervision violations; conditions of supervision,  
37 excluding requirements pertaining to mental health or substance abuse  
38 counseling; location of facility where incarcerated or location of parole  
39 office maintaining supervision and address of a releasee whose crime was  
40 committed after the effective date of this act shall be subject to disclosure  
41 to any person other than another inmate or releasee, except that the  
42 disclosure of the location of an inmate transferred to another state pursuant  
43 to the interstate corrections compact shall be at the discretion of the



1 secretary of corrections;

2 (B) the attorney general, law enforcement agencies, counsel for the  
3 inmate to whom the record pertains and any county or district attorney  
4 shall have access to correctional records to the extent otherwise permitted  
5 by law;

6 (C) the information provided to the law enforcement agency pursuant  
7 to the sex offender registration act, K.S.A. 22-4901 et seq., and  
8 amendments thereto, shall be subject to disclosure to any person, except  
9 that the name, address, telephone number or any other information that  
10 specifically and individually identifies the victim of any offender required  
11 to register as provided by the Kansas offender registration act, K.S.A. 22-  
12 4901 et seq., and amendments thereto, shall not be disclosed; and

13 (D) records of the department of corrections regarding the financial  
14 assets of an offender in the custody of the secretary of corrections shall be  
15 subject to disclosure to the victim, or such victim's family, of the crime for  
16 which the inmate is in custody as set forth in an order of restitution by the  
17 sentencing court.

18 (30) Public records containing information of a personal nature where  
19 the public disclosure thereof would constitute a clearly unwarranted  
20 invasion of personal privacy.

21 (31) Public records pertaining to prospective location of a business or  
22 industry where no previous public disclosure has been made of the  
23 business' or industry's interest in locating in, relocating within or  
24 expanding within the state. This exception shall not include those records  
25 pertaining to application of agencies for permits or licenses necessary to  
26 do business or to expand business operations within this state, except as  
27 otherwise provided by law.

28 (32) Engineering and architectural estimates made by or for any  
29 public agency relative to public improvements.

30 (33) Financial information submitted by contractors in qualification  
31 statements to any public agency.

32 (34) Records involved in the obtaining and processing of intellectual  
33 property rights that are expected to be, wholly or partially vested in or  
34 owned by a state educational institution, as defined in K.S.A. 76-711, and  
35 amendments thereto, or an assignee of the institution organized and  
36 existing for the benefit of the institution.

37 (35) Any report or record that is made pursuant to K.S.A. 65-4922,  
38 65-4923 or 65-4924, and amendments thereto, and that is privileged  
39 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

40 (36) Information that would reveal the precise location of an  
41 archeological site.

42 (37) Any financial data or traffic information from a railroad  
43 company, to a public agency, concerning the sale, lease or rehabilitation of

1 the railroad's property in Kansas.

2 (38) Risk-based capital reports, risk-based capital plans and  
3 corrective orders including the working papers and the results of any  
4 analysis filed with the commissioner of insurance in accordance with  
5 K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

6 (39) Memoranda and related materials required to be used to support  
7 the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and  
8 amendments thereto.

9 (40) Disclosure reports filed with the commissioner of insurance  
10 under K.S.A. 40-2,156(a), and amendments thereto.

11 (41) All financial analysis ratios and examination synopses  
12 concerning insurance companies that are submitted to the commissioner by  
13 the national association of insurance commissioners' insurance regulatory  
14 information system.

15 (42) Any records the disclosure of which is restricted or prohibited by  
16 a tribal-state gaming compact.

17 (43) Market research, market plans, business plans and the terms and  
18 conditions of managed care or other third-party contracts, developed or  
19 entered into by the university of Kansas medical center in the operation  
20 and management of the university hospital that the chancellor of the  
21 university of Kansas or the chancellor's designee determines would give an  
22 unfair advantage to competitors of the university of Kansas medical center.

23 (44) The amount of franchise tax paid to the secretary of revenue or  
24 the secretary of state by domestic corporations, foreign corporations,  
25 domestic limited liability companies, foreign limited liability companies,  
26 domestic limited partnership, foreign limited partnership, domestic limited  
27 liability partnerships and foreign limited liability partnerships.

28 (45) Records, other than criminal investigation records, the disclosure  
29 of which would pose a substantial likelihood of revealing security  
30 measures that protect:

31 (A) Systems, facilities or equipment used in the production,  
32 transmission or distribution of energy, water or communications services;

33 (B) transportation and sewer or wastewater treatment systems,  
34 facilities or equipment; or

35 (C) private property or persons, if the records are submitted to the  
36 agency. For purposes of this paragraph, security means measures that  
37 protect against criminal acts intended to intimidate or coerce the civilian  
38 population, influence government policy by intimidation or coercion or to  
39 affect the operation of government by disruption of public services, mass  
40 destruction, assassination or kidnapping. Security measures include, but  
41 are not limited to, intelligence information, tactical plans, resource  
42 deployment and vulnerability assessments.

43 (46) Any information or material received by the register of deeds of

1 a county from military discharge papers, DD Form 214. Such papers shall  
2 be disclosed: To the military dischargee; to such dischargee's immediate  
3 family members and lineal descendants; to such dischargee's heirs, agents  
4 or assigns; to the licensed funeral director who has custody of the body of  
5 the deceased dischargee; when required by a department or agency of the  
6 federal or state government or a political subdivision thereof; when the  
7 form is required to perfect the claim of military service or honorable  
8 discharge or a claim of a dependent of the dischargee; and upon the written  
9 approval of the commissioner of veterans affairs, to a person conducting  
10 research.

11 (47) Information that would reveal the location of a shelter or a  
12 safehouse or similar place where persons are provided protection from  
13 abuse or the name, address, location or other contact information of  
14 alleged victims of stalking, domestic violence or sexual assault.

15 (48) Policy information provided by an insurance carrier in  
16 accordance with K.S.A. 44-532(h)(1), and amendments thereto. This  
17 exemption shall not be construed to preclude access to an individual  
18 employer's record for the purpose of verification of insurance coverage or  
19 to the department of labor for their business purposes.

20 (49) An individual's e-mail address, cell phone number and other  
21 contact information that has been given to the public agency for the  
22 purpose of public agency notifications or communications that are widely  
23 distributed to the public.

24 (50) Information provided by providers to the local collection point  
25 administrator or to the 911 coordinating council pursuant to the Kansas  
26 911 act upon request of the party submitting such records.

27 (51) Records of a public agency on a public website that are  
28 searchable by a keyword search and identify the home address or home  
29 ownership of: A law enforcement officer as defined in K.S.A. 2021 Supp.  
30 21-5111, and amendments thereto; a parole officer; a probation officer; a  
31 court services officer; a community correctional services officer; a local  
32 correctional officer or local detention officer; a federal judge; a justice of  
33 the supreme court; a judge of the court of appeals; a district judge; a  
34 district magistrate judge; a municipal judge; a presiding officer who  
35 conducts hearings pursuant to the Kansas administrative procedure act; an  
36 administrative law judge employed by the office of administrative  
37 hearings; a member of the state board of tax appeals; an administrative law  
38 judge who conducts hearings pursuant to the workers compensation act; a  
39 member of the workers' compensation appeals board; the United States  
40 attorney for the district of Kansas; an assistant United States attorney; a  
41 special assistant United States attorney; the attorney general; an assistant  
42 attorney general; a special assistant attorney general; a county attorney; an  
43 assistant county attorney; a special assistant county attorney; a district

1 attorney; an assistant district attorney; a special assistant district attorney;  
2 a city attorney; an assistant city attorney; or a special assistant city  
3 attorney. Such person shall file with the custodian of such record a request  
4 to have such person's identifying information restricted from public access  
5 on such public website. Within 10 business days of receipt of such  
6 requests, the public agency shall restrict such person's identifying  
7 information from such public access. Such restriction shall expire after  
8 five years and such person may file with the custodian of such record a  
9 new request for restriction at any time.

10 (52) Records of a public agency that would disclose the name, home  
11 address, zip code, e-mail address, phone number or cell phone number or  
12 other contact information for any person licensed to carry concealed  
13 handguns or of any person who enrolled in or completed any weapons  
14 training in order to be licensed or has made application for such license  
15 under the personal and family protection act, K.S.A. 75-7c01 et seq., and  
16 amendments thereto, shall not be disclosed unless otherwise required by  
17 law.

18 (53) Records of a utility concerning information about cyber security  
19 threats, attacks or general attempts to attack utility operations provided to  
20 law enforcement agencies, the state corporation commission, the federal  
21 energy regulatory commission, the department of energy, the southwest  
22 power pool, the North American electric reliability corporation, the federal  
23 communications commission or any other federal, state or regional  
24 organization that has a responsibility for the safeguarding of  
25 telecommunications, electric, potable water, waste water disposal or  
26 treatment, motor fuel or natural gas energy supply systems.

27 (54) Records of a public agency containing information or reports  
28 obtained and prepared by the office of the state bank commissioner in the  
29 course of licensing or examining a person engaged in money transmission  
30 business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall  
31 not be disclosed except pursuant to K.S.A. 9-513c, and amendments  
32 thereto, or unless otherwise required by law.

33 (55) *Records of a public agency that contain captured license plate*  
34 *data or that pertain to the location of an automated license plate*  
35 *recognition system.*

36 (b) Except to the extent disclosure is otherwise required by law or as  
37 appropriate during the course of an administrative proceeding or on appeal  
38 from agency action, a public agency or officer shall not disclose financial  
39 information of a taxpayer that may be required or requested by a county  
40 appraiser or the director of property valuation to assist in the determination  
41 of the value of the taxpayer's property for ad valorem taxation purposes; or  
42 any financial information of a personal nature required or requested by a  
43 public agency or officer, including a name, job description or title

1 revealing the salary or other compensation of officers, employees or  
2 applicants for employment with a firm, corporation or agency, except a  
3 public agency. Nothing contained herein shall be construed to prohibit the  
4 publication of statistics, so classified as to prevent identification of  
5 particular reports or returns and the items thereof.

6 (c) As used in this section, the term "cited or identified" does not  
7 include a request to an employee of a public agency that a document be  
8 prepared.

9 (d) If a public record contains material that is not subject to disclosure  
10 pursuant to this act, the public agency shall separate or delete such  
11 material and make available to the requester that material in the public  
12 record that is subject to disclosure pursuant to this act. If a public record is  
13 not subject to disclosure because it pertains to an identifiable individual,  
14 the public agency shall delete the identifying portions of the record and  
15 make available to the requester any remaining portions that are subject to  
16 disclosure pursuant to this act, unless the request is for a record pertaining  
17 to a specific individual or to such a limited group of individuals that the  
18 individuals' identities are reasonably ascertainable, the public agency shall  
19 not be required to disclose those portions of the record that pertain to such  
20 individual or individuals.

21 (e) The provisions of this section shall not be construed to exempt  
22 from public disclosure statistical information not descriptive of any  
23 identifiable person.

24 (f) Notwithstanding the provisions of subsection (a), any public  
25 record that has been in existence more than 70 years shall be open for  
26 inspection by any person unless disclosure of the record is specifically  
27 prohibited or restricted by federal law, state statute or rule of the Kansas  
28 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and  
29 amendments thereto.

30 (g) Any confidential records or information relating to security  
31 measures provided or received under the provisions of subsection (a)(45)  
32 shall not be subject to subpoena, discovery or other demand in any  
33 administrative, criminal or civil action.

34 Sec. 4. K.S.A. 45-217, 45-220 and 45-221 are hereby repealed.

35 Sec. 5. This act shall take effect and be in force from and after its  
36 publication in the statute book.