

HOUSE BILL No. 3008

By Committee on Federal and State Affairs

3-9

9 AN ACT concerning personal records possessed by businesses; requiring
10 certain actions regarding disposal and providing penalties for
11 violations.
12

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

14 Section 1. (a) As used in this section:

15 (1) "Business" means sole proprietorship, partnership, corporation,
16 limited liability company, association or other group, however organized
17 and whether or not organized to operate for profit. "Business" includes:
18 (A) A financial institution organized, chartered or holding a license or
19 authorization certificate under the laws of this state, any other state, the
20 United States or any other country, or the parent or the subsidiary of any
21 such financial institution; and (B) an entity which destroys records.

22 (2) "Dispose" includes: (A) The discarding or abandonment of re-
23 cords containing personal information; and (B) the sale, donation, dis-
24 carding or transfer of any medium, including computer equipment, or
25 computer media, containing records of personal information, or other
26 nonpaper media upon which records of personal information is stored,
27 or other equipment for nonpaper storage of information.

28 (3) "Personal Information" means any information which identifies,
29 relates to, describes or is capable of being associated with a particular
30 individual, including, but not limited to, a name, signature, social security
31 number, fingerprint and other biometric information, photograph or
32 computerized image, physical characteristics or description, address, tel-
33 ephone number, passport number, driver's license number, state identi-
34 fication card number, date of birth, medical information or bank account
35 number, credit card number, debit card number or any other financial
36 information.

37 (4) "Records" means any material on which written, drawn, spoken,
38 visual or electromagnetic information is recorded or preserved, regardless
39 of physical form or characteristics. "Records" does not include publicly
40 available directories containing information which an individual has vol-
41 untarily consented to have publicly disseminated or listed, such as name,
42 address or telephone number.

43 (b) Any business which conducts business in this state and any busi-

1 ness which maintains or otherwise possesses personal information of res-
2 idents of this state shall take all reasonable measures to protect against
3 unauthorized access to or use of the information in connection with, or
4 after its disposal. Such reasonable measures must include, but may not
5 be limited to:

6 (1) Implementing and monitoring compliance with policies and pro-
7 cedures which require the burning, pulverizing or shredding of papers
8 containing personal information so that the information cannot practica-
9 bly be read or reconstructed; and

10 (2) implementing and monitoring compliance with policies and pro-
11 cedures which require the destruction or erasure of electronic media and
12 other nonpaper media containing personal information so that the infor-
13 mation cannot practicably be read or reconstructed.

14 (c) Procedures relating to the adequate destruction or proper disposal
15 of personal records must be comprehensively described and classified as
16 official policy in the writings of the business entity, including corporate
17 and employee handbooks and similar corporate documents.

18 (d) A violation of this section shall render a business liable to an ag-
19 grieved party in a civil action brought in district court for actual damages,
20 a civil penalty in an amount not exceeding \$3,000 and reasonable attorney
21 fees and costs of the action.

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the statute book.