



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

January 13, 1976

ATTORNEY GENERAL OPINION NO. 76- 10

Mr. Bob Kent
Executive Director
Kansas Employment Security Division
401 Topeka Avenue
Topeka, Kansas 66603

Re: Employment Security--Records--Confidentiality

Synopsis: Information assembled in the administration of the Kansas Employment Security law, K.S.A. 44-701 *et seq.*, is confidential, but by law access thereto is permitted to any person who is a public employee, *i.e.*, an employee of the State of Kansas, of any city incorporated under the laws of this state, or any employee of any county, township, school district, or other political subdivision, when engaged in and necessary for the performance of the public duties of such public employee.

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Dear Mr. Kent:

K.S.A. 44-714(f) of the Kansas Employment Security Law, K.S.A. 44-701 *et seq.*, states in pertinent part thus:

"The commissioner may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner deems necessary for the effective administration of this act. Information thus obtained or obtained from any individual pursuant to the administration of this act, shall, except to the extent necessary for the proper presentation of a claim, be held confidential,

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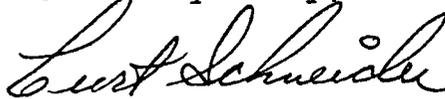
and shall not be published or be open to public inspection (other than to public employees in the performance of their official duties) in any manner revealing the individual's or employing unit's identity. . . ."

A public employee is any person who is an employee of the State of Kansas, an employee of any city incorporated under the laws of this state, or any employee of a county, township, school district, or other political subdivision of the state. Any such person is lawfully entitled to access to information in your custody which is obtained from any individual in the administration of the act, when such employee is engaged in the discharge of his or her public duties and the information sought is necessary therefor.

Evidently, the legislature intended that the information assembled in the administration of the act should be in some measure confidential. However, the unambiguous language of the act permits access to the information gathered in the administration thereof for all public employees when related to and necessary for the performance of their public duties. The unambiguous language in which public employees' access is preserved does not readily lend itself to a more restrictive construction than the plain language of the statute appears to require. The information is confidential to all the world, save and except public employees, who are permitted access to and are authorized to use such information only for the performance of their public duties, *i.e.*, the duties of their employment, and for no other purpose. Before releasing any information, you are certainly authorized to require a showing to your satisfaction that the person seeking such information is in fact a public employee, and that the information which is requested is indeed related to his or her public duties.

If more restrictive access is to be permitted, legislative attention should be directed to this provision.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj