



STATE OF KANSAS

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May 25, 1979

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ATTORNEY GENERAL OPINION NO. 79-95

Mr. Phillip E. Winter  
Assistant Lyon County Attorney  
Lyon County Courthouse  
Emporia, Kansas 66801

Re: Public Health--Uniform Vital Statistics  
Act--Disclosure of Records

Synopsis: Local authorities may disclose records of vital statistics only where there is a law authorizing such disclosure, and, in the absence of such a law, no disclosure thereof to the general public is permissible.

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Dear Mr. Winter:

You request our opinion as to whether "local" vital statistics records, such as birth certificates and death certificates, are open to the general public under K.S.A. 1978 Supp. 45-201.

The Public Records Act does not apply to "records specifically closed by law or by directive authorized by law." K.S.A. 1978 Supp. 45-201(a). In this regard, we direct your attention to K.S.A. 1978 Supp. 65-2422 which relates to disclosure of records of the Kansas State Department of Health and Environment pertaining to vital statistics. For the reasons discussed below, it is our opinion that vital statistics records in the possession of local authorities may not be disclosed, except as authorized by K.S.A. 1978 Supp. 65-2422.

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Subsection (a) of that statute provides, in part, that "it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in such records, except as authorized by law." This provision clearly applies to local registrars who are appointed by the State Registrar of Vital Statistics pursuant to K.S.A. 65-2407. Accordingly, such local registrars may disclose records of vital statistics only where there is a law authorizing such disclosure, and we are unaware of any statutory provision, either in the Uniform Vital Statistics Act (K.S.A. 1978 Supp. 65-2401 et seq.) or elsewhere, which would allow local registrars to disclose such records. For this reason, it is our opinion that local authorities may not open vital statistics records in their possession to inspection by the general public.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Terrence R. Hearshman  
Assistant Attorney General

RTS:BJS:TRH:gk