



STATE OF KANSAS

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June 5, 1979

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ATTORNEY GENERAL OPINION NO. 79- 106

Mr. Marlin A. White, Attorney
Employment Security Board of Review
424 South Kansas Avenue, Room 206
Topeka, Kansas 66603

Re: Laws, Journals, and Public Information--Records
 Open to Public--Inspection of Official Public Records

Synopsis: Transcripts of hearings before the Employment Security Board of Review are "official public records," within the meaning of K.S.A. 1978 Supp. 45-201, and must be made available for public inspection.

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Dear Mr. White:

You request our opinion as to whether transcripts of hearings before the Employment Security Board of Review must be "released" to individuals not having an active claim or controversy involving the Department of Human Resources. You state that you have several requests for such transcripts where it is apparent that they will be utilized for impeachment or discovery purposes in other litigation in which either a claimant or an employer might be involved.

Subsection (a) of K.S.A. 1978 Supp. 45-201 relates to inspection of official public records and provides as follows:

Mr. Marlin A. White

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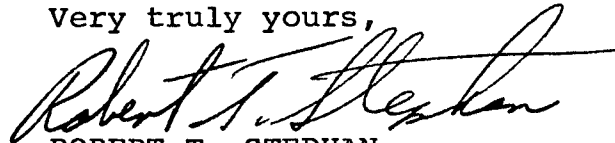
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"(a) All official public records of the state, counties, municipalities, townships, school districts, commissions, agencies and legislative bodies, which records by law are required to be kept and maintained, except those of the district court concerning proceedings pursuant to the juvenile code which shall be open unless specifically closed by the judge or by law, adoption records, records of the birth of illegitimate children, and records specifically closed by law or by directive authorized by law, shall at all times be open for a personal inspection by any citizen, and those in charge of such records shall not refuse this privilege to any citizen."

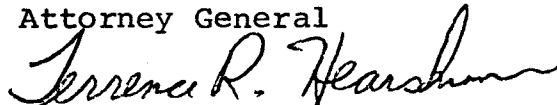
It has been held that the above statute applies to official transcripts of hearings before administrative agencies. Atchison, T. & S.F. Rly. Co. v. Commission on Civil Rights, 215 Kan. 911, 919 (1974). Accordingly, unless there is a "law or directive authorized by law" whereby transcripts of hearings before the Employment Security Board of Review are specifically closed to public inspection, the Public Records Act requires that any citizen be allowed to inspect and copy said transcripts.

We are unaware of any law or directive authorized by law which specifically closes hearing transcripts of the Employment Security Board of Review from public inspection. Subsection (f) of K.S.A. 1978 Supp. 44-714 provides that certain work records and reports obtained in the course of audits by the Secretary of the Department of Human Resources shall be held confidential and shall not be open to public inspection, except that such records may be supplied to the parties to an appeal hearing where necessary for the proper presentation of a claim. Said statute relates only to the aforementioned records and reports, and does not specifically close any hearing transcript from public inspection. We, therefore, conclude that inspection of said transcripts must be allowed under the Public Records Act.

Very truly yours,



ROBERT T. STEPHAN
Attorney General



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:jm