



STATE OF KANSAS

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February 5, 1982

ATTORNEY GENERAL OPINION NO. 82- 28

Mr. John Lamb  
Director - Crime Victims Reparations Board  
503 Kansas Avenue - Suite 342  
Topeka, Kansas 66603

Re: State Boards, Commissions and  
Authorities -- Crime Victims Reparations  
Board -- Record of Formal Hearing

Synopsis: The Crime Victims Reparations Board is required to record proceedings in the event of a disputed claim, and such record of proceedings is available for inspection upon the request of any citizen. However, unless information retained by the Board regarding a claimant is included in such a record of proceedings, the Board is not required to make such information available for public inspection. Cited herein: K.S.A. 74-7307, K.S.A. 1980 Supp. 45-201.

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Dear Mr. Lamb:

As Director of the Crime Victims Reparations Board, you have requested an opinion of this office concerning the release of information contained in the files of individuals who have filed claims with the Board. You have specifically inquired concerning the release of information upon the request of a private citizen.

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Generally, a citizen's right of access to records in the custody of a governmental body is governed by K.S.A. 1980 Supp. 45-201. That statute provides, in part, as follows:

"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, . . . 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."  
(Emphasis added.)

This provision "does not require all agency documents to be open to public inspection." Stephens v. Van Arsdale, 227 Kan. 676, 688 (1980). Only those records which must be "kept and maintained" are required by K.S.A. 1980 Supp. 45-201 to be opened for public inspection.

As we interpret the Crime Victims Reparations Act, the only requirement that records be "kept and maintained" is found in K.S.A. 74-7307. Subsection (a) of that statute provides that in the event of a disputed claim, a hearing shall be held for all interested parties to present their views. Upon such hearing, subsection (c) provides as follows:

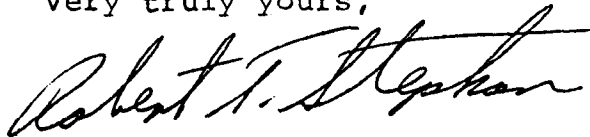
"A record of the proceedings shall be made and shall include:  
"(1) The application and supporting documents;  
"(2) all pleadings, motions and intermediate rulings;  
"(3) evidence offered, received or considered;  
"(4) a statement of matters officially noticed;  
"(5) all staff memoranda or data submitted to the board in connection with its consideration of the case; and  
"(6) offers of proof, objections and rulings."

In our opinion, a record of proceedings compiled in a contested case under the Crime Victims Reparations Act is required by the foregoing provisions to be "kept and maintained" and is, therefore, available for inspection pursuant to K.S.A. 1980 Supp. 45-201 upon the request of any citizen. However, unless information retained by the Board regarding a claimant is included in a record of proceedings compiled pursuant to K.S.A.

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74-7307(c), the Board is not required to make such information available for public inspection.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert T. Stephan".

ROBERT T. STEPHAN  
Attorney General

A handwritten signature in cursive script, appearing to read "Kurt J. Shernuk".

Kurt J. Shernuk  
Assistant Attorney General

RTS:JEF:KJS:bls