

Subject

FILE

Census

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STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

September 23, 1974

Opinion No. 74- 324

Honorable Richard C. "Pete" Loux
House Minority Leader
House of Representatives
Capitol Building
Topeka, Kansas 66612

Dear Representative Loux:

K.S.A. 45-201 states in pertinent part thus:

"All official public records of the state [and] counties
.... which records by law are required to be kept and main-
tained shall at all times be open for personal inspection
by any citizen, and those in charge of such records shall not
refuse this privilege to any citizen."

In Opinion No. 74-281, dated August 16, 1974, we considered the
application of this statute to computer tapes containing records of
the annual enumeration made by the county assessor, concluding that
those tapes were subject to this section.

Since that time, it has come to public notice that in Sedgwick
County, there is included on the tapes in question a great deal of
information in addition to that which is required by the census
statutes, K.S.A. 11-101 et seq. The suggestion has been made that
the cited opinion to you required that all such information contained
on the census tapes be subject to mandatory disclosure under K.S.A.
45-201. On page 2 of that opinion, after quoting from K.S.A. 45-201,
I stated thus:

"The term 'records' includes any record, in whatever mode
it is kept and maintained, including computer data tapes...."

In this sentence, I spoke only of those records of information which
are within the scope of K.S.A. 45-201, in other words, records of
information which are required by law to be kept and maintained.

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Records of census data assembled pursuant to K.S.A. 11-101 et seq., are manifestly records of information required by law to be kept and maintained. If additional and other information is assembled and maintained in conjunction with census data, it is not subject to the same mandate of disclosure as the enumeration data assembled for the State Board of Agriculture.

Mr. Earle, Sedgwick County Assessor, advises that in making the annual enumeration, he cooperates with a number of other governmental units and community agencies, including the City of Wichita, the Wichita School Board, Wichita State University, the Wichita Urban Renewal Agency, Kansas State Job Opportunities Center, the Metropolitan Area Planning Department, and others. Information which is gathered on behalf of these agencies and governmental units by the assessor is not information which is required by law to be kept and maintained, but information which is gathered and maintained by him only by way of cooperation with these other governmental and community agencies. In making available that information which is subject to mandatory public disclosure, the additional information gathered for and on behalf of these agencies need not be made public.

The records referred to in the last paragraph of my opinion to you of August 16, are those records within the scope of K.S.A. 45-201, i.e., those records of information which are by law required to be kept and maintained, and records of any additional and other information can be and may be removed therefrom before being made available.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:tp
cc: Mr. Louis Earle
Sedgwick County Assessor