

**39-709b. Information concerning applicants for and recipients of assistance; confidentiality, exceptions; public list of certain recipients, public record, where available; unlawful acts, penalties.**

(a) Information concerning applicants for and recipients of assistance from the secretary shall be confidential and privileged and shall only be available to the secretary and the officers and employees of the secretary except as set forth in this section. Unless otherwise prohibited by law, such information shall be disclosed to an applicant, recipient or outside source under the following conditions:

(1) Information shall be disclosed to the post auditor in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 and amendments thereto;

(2) information shall be disclosed to an applicant or recipient in accordance with and subject to rules and regulations adopted by the secretary; and

(3) information may be disclosed to an outside source if such disclosure:

(A) Has been consented to in writing by the applicant or recipient and the applicant or recipient has been granted access by the secretary to the information to be disclosed, except that in an emergency information may be disclosed without a written consent if such disclosure is deemed by the secretary to be in the best interests of the applicant or recipient;

(B) is directly connected to the administration of the secretary's program;

(C) is directly connected to an investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the secretary's program;

(D) is authorized by a state plan developed by the secretary pursuant to the federal social security act or any other federal program providing federal financial assistance and services in the field of social welfare;

(E) concerns the intent of an applicant or recipient to commit a crime and in this case such information and the information necessary to prevent the crime shall be disclosed to the appropriate authorities; or

(F) concerns information contained in the public list under subsection (c) of this section.

(b) Nothing in this section shall be construed to prohibit the publication of statistics which are so classified as to prevent the identification of specific applicants or recipients.

(c) The secretary shall maintain a public list which shall contain the names and addresses of all recipients receiving general assistance benefits pursuant to this act or any act contained in article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, together with the payment issued to each during the preceding month, except that the names and addresses of children in foster care who are receiving such benefits shall be excluded from such public list. On or before the 28th day of each month the secretary shall prepare and retain in the office of the secretary one copy of the public list. The public list retained in the office of the secretary shall be bound in record books provided for that purpose. All such record books and all reports contained in the record books shall be public records and shall be open to public inspection at all times during regular office hours. In addition, there shall be on file in each area or subarea office a copy of that portion of the public list which contains the general assistance recipients in that area and also on file in the office of each county clerk a copy of that portion of the public list which contains the general assistance recipients in that county.

(d) It shall be unlawful for any person, association, firm, corporation or other agency to disclose, to make use of or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names or addresses contained in the public list under subsection (c) of this section for commercial or political purposes of any nature or to make use of or disclose confidential information except as provided in this section. Any person, association, firm, corporation or other agency who willfully or knowingly violates any provisions of this section shall be guilty of a class B misdemeanor.

**History:** L. 1978, ch. 159, § 4; L. 1985, ch. 153, § 1; July 1.