

2021 Kansas Statutes

75-3520. Social security numbers; disclosure in public documents with personal information, prohibited; exceptions; use for commercial purposes, restricted; civil penalty. (a) (1) Unless required by federal law, no document available for public inspection or copying shall contain an individual's social security number if such document contains such individual's personal information. "Personal information" shall include, but not be limited to, name, address, phone number or e-mail address.

(2) (A) The provisions of paragraphs (1) and (3) shall not apply to documents recorded in the official records of any recorder of deeds of the county or to any documents filed in the official records of the court and shall be included, but not limited to, such documents of any records that when filed constitutes:

- (i) A consensual or nonconsensual lien;
- (ii) an eviction record;
- (iii) a judgment;
- (iv) a conviction or arrest;
- (v) a bankruptcy;
- (vi) a secretary of state filing; or
- (vii) a professional license.

(B) The provisions of paragraphs (1) and (3) shall not apply to documents recorded pursuant to article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, if the social security number is improperly placed on a form, in a description or included in an attachment.

(3) Any document or record that contains all or any portion of an individual's social security number shall have all portions of all social security numbers redacted before the document or record is made available for public inspection or copying.

(4) (A) An agency shall give notice as defined in K.S.A. 2021 Supp. 50-7a01, and amendments thereto, to any individual whose personal information was disclosed in violation of this subsection when it becomes aware of the unauthorized disclosure. Notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and any measures necessary to determine the scope of unauthorized disclosures.

(B) The agency shall offer to such individuals credit monitoring services at no cost for a period of one year. The agency shall provide all information necessary for such individual to enroll in such services and shall include information on how such individual can place a security freeze on such individual's consumer report.

(b) (1) No person, including an individual, firm, corporation, association, partnership, joint venture or other business entity, or any employee or agent therefor, shall solicit, require or use for commercial purposes an individual's social security number unless such number is necessary for such person's normal course of business and there is a specific use for such number for which no other identifying number may be used.

(2) Paragraph (1) does not apply to documents or records that are recorded or required to be open to the public pursuant to state or federal law, or by court rule or order, and this paragraph does not limit access to these documents or records.

(3) Paragraph (1) does not apply to the collection, use or release of social security numbers for the following purposes:

(A) Mailing of documents that include social security numbers sent as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the social security number;

- (B) internal verification or administrative purposes;
 - (C) investigate or prevent fraud, conduct background checks, conduct social or scientific research, collect a debt, obtain a credit report from or furnish data to a consumer reporting agency pursuant to the fair credit reporting act, 15 U.S.C. § 1681 et seq., undertake a permissible purpose enumerated under the Gramm-Leach Bliley Act, 15 U.S.C. § 6802 (e), or locate an individual who is missing, a lost relative, or due a benefit, such as pension, insurance or unclaimed property benefit; or
 - (D) otherwise required by state or federal law or regulation.
- (c) An individual who is aggrieved by a violation of this section may recover a civil penalty of not more than \$1,000 for each violation.

History: L. 2006, ch. 149, § 2; L. 2018, ch. 87, § 9; L. 2021, ch. 61, § 53; July 1.