

OBTAINING NAME AND ADDRESS LISTS

FREQUENTLY ASKED QUESTIONS

If I want to use a record that has names and/or addresses on it, so that I can contact the people listed in order to sell them something, may a public agency deny me access?

Yes. The public agency cannot provide you with those names and addresses if you want to use that list in order to contact those listed in an attempt to sell them a service or product. K.S.A. 45-230 prohibits giving or using information contained in public records for that purpose.

May names listed in public records for businesses, not individual persons, be obtained and used to contact those businesses in an attempt to sell them a service or product?

No. The prohibition in K.S.A. 45-230 pertains to the names and addresses of businesses listed in the public records as well as individuals. A.G. Opin. No. 87-73.

If I request a public record that has names and/or addresses in it, may a public agency require me to sign a special form?

Yes. Under K.S.A. 45-220 the public agency may require written certification that the requester will not use lists of names and addresses contained in public records in order to attempt or solicit sales to those persons whose names are contained in the public record.

If a requester signs an affidavit stating that they will not use a public record containing names/addresses for a prohibited purpose, may the record custodian still deny access to the record?

It depends. If a record requestor makes a certification that they will comply with the law the custodian is relieved of liability if the custodian provides the public records in good faith reliance upon such a written certification. [A.G. Opin. No. 94-132](#). However, if the record custodian can prove they know that the statement in the signed affidavit is false, they may still have grounds to deny a record request. In addition, any person who falsely signs such an affidavit may in some cases also be prosecuted for making a "false writing" (a criminal charge).

May someone use a third party to obtain names and addresses from public records in order to use them for commercial solicitation?

No. Requesters of public records cannot lawfully circumvent the provisions of K.S.A. 45-230 by doing so indirectly; a third party who obtains this information from a "requestor" violates the law if it is used for commercial purposes. For example, a newsletter service which provides lists of names and addresses obtained from public records for its subscribers to solicit sales is still prohibited. A.G. Opin. No. 86-1.

Does the KORA prohibit obtaining lists of names and addresses for all uses?

No. K.S.A. 45-230 does not prohibit commercial use generally, it just applies to the use of the names to sell or offer to sell property or a service to those persons/entities on the list.

May a church obtain a list of names and addresses from public records, to use to send out information about area churches?

Yes. Ministers or churches may use lists from public records to provide information about area churches; churches are generally not engaged in commercial business. [A.G. Opin. No. 2000-35](#).

May someone use names and addresses from public records in order to offer to buy something from those listed?

Yes. K.S.A. 45-230 does not prohibit use of lists of names obtained from public records in order to try to purchase property from the persons listed. [A.G. Opins. No. 96-68](#) (water meters); [98-55](#)(promissory note underlying contract for deed).

May a school use names taken from public records in order to advertise classes?

Yes, in most cases. K.S.A. 45-230 has a list of exceptions which allows some contacts to be made, in order to provide information about educational or professional training. You may read the whole statute by going to the legislature's web page, www.kslegislature.org.

May someone obtain public records with names and addresses in order to re-publish that information to be used in some legal fashion?

Yes, as long as the use of the new publication does not violate K.S.A. 45-230. Use of information obtained from public records to publish land ownership maps (A.G. Opin. No. 86-39) and "ownership product" documents ([A.G. Opin. No. 89-47](#)) does not violate the law.

What is the penalty for improperly giving or using names and addresses taken from a public record?

Any person (including the records custodian) who violates K.S.A. 45-230 (gives, or receives records for a prohibited use) can be penalized with the same civil fines and penalties in the KORA (this includes a fine of up to \$500 per violation).

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