

**OFFICE OF ADMINISTRATIVE HEARINGS
PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION**

Purpose:

This policy is intended to provide guidelines for the handling of personally identifiable information, also referred to as PII, collected/received by or provided to the Office of Administrative Hearings (OAH), in a secure manner to ensure privacy of the information, protection against data breaches, and compliance with applicable statutes, regulations and rules. OAH staff are to respect the confidentiality of the personally identifiable information, and refrain from any conduct that would indicate a careless or negligent attitude toward such information.

Personally Identifiable Information Definition:

- (a) The following is designated as personally identifiable information:
 - (1) The name of a minor in a court case who is not a named party in the case and, if applicable, the name of a person whose identity could reveal the name of the minor;
 - (2) the name of an alleged victim of a sex crime;
 - (3) a person's date of birth except for the year;
 - (4) any portion of the following:
 - (A) an email address except when required by statute or rule;
 - (B) a computer username, password, or PIN; and
 - (C) a DNA profile or other biometric information;
 - (5) the following numbers except for the last four digits:
 - (A) a Social Security number;
 - (B) a financial account number, including a bank, credit card, and debit card account;
 - (C) a taxpayer identification number (TIN);
 - (D) an employee identification number;
 - (E) a driver's license or nondriver's identification number;
 - (F) a passport number;
 - (G) a brokerage account number;
 - (H) an insurance policy account number;
 - (I) a loan account number;
 - (J) a customer account number;
 - (K) a patient or health care number, including but not limited to, a Kansas Medical Assistance Program (KMAP/Medicaid) number;
 - (L) a student identification number; and
 - (M) a vehicle identification number (VIN);
 - (6) any information identified as personally identifiable information by court order; and
 - (7) the physical address of an individual's residence.

- (b) Exceptions. The following is not personally identifiable information:
 - (1) an account number that identifies the property alleged to be the subject of a proceeding;
 - (2) the name of an emancipated minor;
 - (3) information used by the court for case maintenance purposes that is not accessible by the public;
 - (4) information a party's attorney, or a party if not represented by an attorney, reasonably believes is necessary or material to an issue before the court;
 - (5) any information required to be included by statute or court rule; and
 - (6) any information in a transcript.

Policy on Handling Personally Identifiable Information:

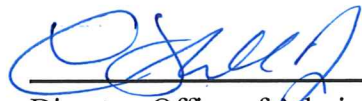
- (a) Possession of personally identifiable information by OAH staff. If it becomes necessary for OAH staff to possess a document containing personally identifiable information, for any reason, every effort shall be made by the staff member to protect the personally identifiable information
 - (1) If a copy of any such document containing personally identifiable information has been downloaded by OAH staff and saved, the electronic file shall be marked "Confidential".
 - (2) If a hard copy of any such document has been printed, the hard copy shall be marked "Confidential" and shall be destroyed once the hard copy is no longer needed.
 - (3) Personally identifiable information shall not be removed from OAH unless absolutely necessary, and this covers both electronic and printed versions.
 - (4) All personally identifiable information maintained by OAH is to be appropriately secured and is only available to those with authorized access. Unauthorized access and the permitting of unauthorized access of personally identifiable information is strictly prohibited.
 - (5) If OAH staff become aware that personally identifiable information has been lost or stolen, they must report the incident to the OAH Executive Director and the Court Clerk.
- (b) Failure of OAH staff to comply with the provisions of this policy relating to the handling and dissemination of personally identifiable information may result in discipline, up to and including termination.

Policy on Court Filings Containing Personally Identifiable Information:

- (a) Obligation to Redact Personally Identifiable Information. In all filings, an attorney, or a party if not represented by an attorney, is solely obligated to protect the confidentiality of personally identifiable information as identified in this rule by ensuring that the filing

contains no personally identifiable information. The OAH Court Clerk has no duty to review a document to ensure compliance with this rule.

- (b) Administrative Information Required. Personally identifiable information gathered for administrative purposes when a new case is filed: (1) if stored electronically, must be accessible only by authorized court personnel and (2) is not subject to reproduction and disposition of court records.
- (c) Remedies and Sanctions. In the event that a document is filed that contains personally identifiable information, the assigned Administrative Law Judge (ALJ) has the discretion to order that the filed document be replaced by a properly redacted version (at which point the original document will be sealed) or that the document be sealed and marked "Confidential" in situations where a redacted version is not able to be produced.
- (d) Documents containing personally identifiable information that have been uploaded to the OAH E-filing Portal shall be sealed.
- (e) Motions Not Restricted. This rule does not restrict a party's right to request a protective order, to move to file a document under seal, or to request the court to seal a document.
- (f) Application. This rule does not affect the application of constitutional provisions, statutes, or court rules regarding confidential information or access to public information.



Director, Office of Administrative Hearings

12/11/2025

Date