



TESTIMONY

TO: **HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE**

FROM: **SCOTT HEIDNER**
CONSUMER DATA INDUSTRY ASSOCIATION

RE: **SB 86**

DATE: **APRIL 6, 2017**

Mr. Chairman, members of the Committee, thank you for the opportunity to appear today. My name is Scott Heidner and I am here on behalf of the Consumer Data Industry Association, an international association which strives to educate consumers, media, legislators and regulators about the benefits of the responsible use of consumer information.

CDIA is an international trade association, founded in 1906, of more than 130 corporate members. Its mission is to enable consumers, media, legislators and regulators to understand the benefits of the responsible use of consumer data which creates opportunities for consumers and the economy. CDIA members provide businesses with the data and analytical tools necessary to manage risk. They help ensure fair and safe transactions for consumers, facilitate competition and expand consumers' access to a market which is innovative and focused on their needs. CDIA member products are used in more than nine billion transactions each year.

We are here today as opponents to one specific provision of SB 86. Specifically, New Section 1, section (c), which calls for different treatment of open records requests for anyone who is not a citizen of Kansas. While we understand

the desire to deal with onerous, expensive, and time consuming requests, this language would sweep the proverbial baby out with the bathwater.

Businesses need access to background data nationwide, whether the person making the request is a Kansas citizen or not. These are reasonable requests, and raising the hurdle for those who are not citizens of Kansas will add costs and reduce efficiencies to the businesses who conduct them.

Forcing an out-of-state criminal background check company, like CDIA members, to add another layer of work via a Kansas resident, only slows down the completion of a criminal background check and raises the costs of those checks. Delays will mean slower hiring and higher costs will be felt most by our members' volunteer organization and government customers.

The bill also negatively impacts government, social service and non-profit organizations. Groups such as the Boys & Girls Club, YMCA, youth baseball leagues, government agencies tracking down dead beat dads, etc., often have a need for background checks and other services. These groups often do not have the resources to hire an agent to represent them in other states to submit and manage these record requests.

If the intent of Sec. 1(c) is to reduce the number of public record requests, this section will not reduce our members' public record requests, but it will make the processing slower and more expensive. If the intent of Sec. 1(c) is better adapt governments to handle vexatious and burdensome requests, there is language from other state laws and bills to address that point. We encourage the committee to find an alternative that is less burdensome on Kansas businesses, governments, and volunteer organizations.

Finally, the language is not necessary for two reasons. First, if you look at the language on page 4, lines 18-23, which is existing law, you will see that the state already has the ability to refuse to provide public records if the request places an unreasonable burden in the production of those records. Second, there are other state laws and bills that can help governments address vexations and burdensome public records requests.

If it is the desire of policy makers or stakeholder groups to add language that would help restrict public record requests or put appropriate safeguards in place, we have effective language from other states that would accomplish this

goal without the damaging language currently in SB 86. We did not have a chance to testify before the Senate Federal & State Affairs Committee on this specific issue, as the problematic language was not part of the original bill and was added when the bill was worked. Given the short time remaining in the 2017 session, however, our strong recommendation is to remove New Section 1(c). If additional statutory language is needed to address a specific problem, we are ready to sit down with interested parties and play a part in crafting such language.

We have no desire to get in the way of the larger public policy endeavors of SB 86. However, if New Section 1(c) is not removed, SB 86 will unintentionally create a serious problem. We can retain the positive policy initiatives in SB 86 without the damage by simply removing New Section 1(c), and we would urge your action to do exactly that.

Thank you for the opportunity to appear today, and I would be happy to take questions at the appropriate time.