



# MEMORANDUM

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TO: Members, Senate Judiciary Committee  
FROM: Scott Frank, Legislative Post Auditor  
DATE: January 17, 2012  
SUBJECT: Testimony Supporting Senate Bill 249

I am appearing today in support of Senate Bill 249. This bill would give our office the authority to have the KBI conduct national criminal history checks on current or prospective Post Audit employees. These checks are a part our overall effort to ensure the security of the confidential information our staff has access to while conducting audits.

Our employees have access to a great deal of sensitive and confidential information when that information is needed as part of an audit. The Legislative Post Audit Act (K.S.A. 46-1101 et seq) gives Post Audit unfettered access to “all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency.” In addition to confidential files and various documents we may need access to as part of any individual audit, we also maintain copies of several large confidential data sets that are used repeatedly in our audit work, including state personnel records and Medicaid claims data. Given the amount of confidential information our employees work with, we believe it is critical that we minimize the security risks associated with that access-to protect both the agencies that maintain the records, and more importantly, the citizens whose information is in our custody.

One of the security measures we currently take is to conduct criminal history checks for all new employees, as well as for any current employees who need access to our largest and most sensitive datasets. However, under our current authority we can only obtain criminal history information from Kansas. The U.S. Department of Justice requires that state agencies seeking national criminal history information through the National Crime Information Center (NCIC) must have a specific state law in place that authorizes such access. A background check that accesses only information on Kansas crimes is a start, but it is also incomplete. Because our employees work with some of the state’s most sensitive and private information, we think having those employees pass a more thorough background check is warranted. Senate Bill 249 would give us that authority.