



**Guidance re: Confidentiality of Transcripts / Academic Records
filed with County Clerks by School Board Candidates,
and the Applicability of the Open Records Act**

June 27, 2018

All candidates for election or re-election to a local school board are now required, pursuant to KRS 160.180(2), to file “a transcript evidencing completion of the twelfth grade or results of a twelfth grade equivalency examination” with the county clerk along with their nominating petition. These academic records contain personal information generally protected by state and federal law, including specific provisions of the Kentucky Open Records Act exempting this information from disclosure by public agencies including county clerks, namely [KRS 61.878\(1\)](#).

The Kentucky Attorney General has interpreted the Open Records Act in several Open Records Decisions upholding an individual’s privacy interest in a school transcript and the information contained therein. See: [09-ORD-027](#), [03-ORD-141](#), [00-ORD-137](#), and [00-ORD-126](#).

To candidates:

In accordance with these decisions, KSBA suggests that candidates make a copy of their transcript/academic record, and redact (blackout) the items of personal information listed below prior to filing it with their county clerk, in order to comply with the new requirement while also protecting their privacy as allowed by law. Both the unredacted and redacted versions may be taken to the clerk, and the parties may discuss which one will be filed so as to comply with applicable laws while minimizing burdens on the clerk relating to possible future Open Records requests. The candidate should retain a copy of the unredacted version for possible future use.

To county clerks:

If someone makes an Open Records request to a county clerk, seeking release of a candidate’s transcript/academic record, it is KSBA’s understanding that the clerk may either:

1. Refuse to release the entire transcript/academic record document (See: 03-ORD-141);

OR

2. Release the transcript/academic record document only if at least the following personal information is redacted (See: 09-ORD-027):

Grades / scores earned	Classes taken
Social Security number	Date of birth
Home and/or email address	Phone number
Race	Gender

Continued on other side

Key findings from the Open Records Decisions cited above:

In the 2009 decision, the Attorney General held that a public agency was right to refuse to release a school transcript, and quoted 00-ORD-126 to confirm the Open Records Act protects an individual's privacy over the public's right to know on this issue because "**the public's right to know does not extend to such minutia as classes taken and grades received.**" The Attorney General further stated that the law was well-established that the following information in any document should be redacted prior to public release: personal contact information; race; gender; Social Security numbers; and dates of birth.

In 2003, the Attorney General held that **a public agency may refuse to disclose the entire transcript** due to the individual's privacy interest therein, and that the **following personal information in other documents should be redacted before release: home address, telephone number, Social Security number, date of birth, and race.**

This document provides general information on this issue and is being released by KSBA to the public at-large.

For legal advice, a county clerk or prospective school board candidate should contact his or her own legal counsel.