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March 8, 2016

**MEMORANDUM**

TO: Dr. Kate Hudephol, Chair, University Senate  
FROM: Gary A. Ransdell *Gary*  
SUBJECT: Senate Resolution Dated December 10, 2015

Kate, this is in response to Senate Resolution dated December 10, 2015, regarding an open records concern on behalf of the University Senate.

Attached is my request for a position on this matter from the Commonwealth's Attorney General. On Wednesday, March 2, I spoke on the phone with Ms. Amye Bensenhaver, who addresses FOI and open records request matters in the Attorney General's office.

She confirmed that our current practice, as outlined in my letter to the Attorney General, meets and may exceed the intent of the Commonwealth's FOI and open records laws. We will, therefore, stay with our current practice with regard to the hard copy circulation of WKU faculty, staff, and administration salary data.

While the Attorney General generally refrains from expressing such opinions in writing, Ms. Bensenhaver is available for conversation in this regard. She can be reached at 505-696-5655, should anyone wish to contact her.

Thank you for the Senate's interest in public access to WKU employee salary data, and in the protection from data breaches for our employees.

GAR:sh

xc: Ms. Amye Bensenhaver, Attorney General's Office  
Dr. David Lee, Provost and Vice President for Academic Affairs  
Ms. Ann Mead, Senior Vice President for Finance and Administration  
Mr. Gordon Johnson, Chief Information Technology Officer  
Mr. Tony Glisson, Director of Human Resources



A LEADING AMERICAN UNIVERSITY WITH INTERNATIONAL REACH  
OFFICE OF THE PRESIDENT

February 22, 2016

The Honorable Andy Beshear  
Attorney General  
Office of the Attorney General  
700 Capitol Avenue, Suite 118  
Frankfort, KY 40601-3449

Dear Attorney General Beshear:

We are having a discussion at WKU regarding the current practice for public distribution of salary information for all WKU employees. For years, we simply posted all salaries on documents in our library and provided them when open records requests were received. Several years ago, we began listing all employee names and salaries on WKU's website for anyone, anywhere to access. Following a recent data breach with Anthem, which we believe resulted in approximately 130 WKU employees experiencing identity theft leading to compromises on Federal Income Tax returns, we have been advised by IT security officials that having global access to employee salary information on our website puts our employees at risk. It is my responsibility to protect our employees as much as possible. We have, therefore, initiated the practice of producing hard copies of salary data when requested and listing employee salary data on our website accessible through a WKU password. Specifically, our proposed practice is as follows:

1. We produce a book with all employees' names and salary information and provide it to our University Senate, our Student Government Association, and our Staff Council.
2. We place two hard copies in the WKU library.
3. We honor all open records and freedom of information requests by providing a hard copy of all salary information.
4. All WKU students and employees have direct and full electronic access to the salary information on the website by providing a WKU password.
5. We submit all WKU employee salary information to Kentucky's Open Door website salary search portal, which was created by executive order by Governor Beshear, following a recommendation of a Transparency Task Force he created.

This is to officially request an Attorney General ruling on whether or not this procedure is compliant with state open records and freedom of information statutes. Particularly, is it compatible with the August 17, 2004, Attorney General Opinion related to open records.


A Resolution forwarded to me by our University Senate is also attached. This resolution prompts this Attorney General request.

*The Spirit Makes the Master*

The Honorable Andy Beshear  
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Thank you for your prompt attention to this matter. Your ruling will dictate whether the current WKU procedure is compliant, or whether all employees' names and salaries will be posted on our website with unfettered, global access.

Sincerely,

A handwritten signature in black ink that reads "Gary A. Bansdell". The signature is written in a cursive, flowing style.

Gary A. Bansdell

GAR:sh

Attachment

xc: Ms. Deborah Wilkins, WKU General Counsel  
Dr. Kate Hudepohl, Chair, University Senate  
Mr. Gordon Johnson, Chief Information Technology Officer