

**67A.406 Confidentiality of member's account records -- Exceptions -- Response to subpoena of records.**

- (1) Each current, former, or retired member's account shall be administered in a confidential manner, and specific data regarding a current, former, or retired member shall not be released for publication unless authorized by the member. However, the board may release account information to the urban-county government or to any other governmental agency as it deems necessary or in response to a lawful subpoena or order issued by a court of law.
- (2) A subpoena served upon the board that requires the production of any specific data regarding a current, former, or retired member is sufficient if the secretary of the board delivers within five (5) working days, by certified mail or by personal delivery, legible and durable copies of records, certified by the secretary, or an affidavit stating the information required by the subpoena. The production of documents or an affidavit shall be in lieu of any personal testimony of the secretary unless, after the production of documents or affidavit, a separate subpoena is served upon the board specifically directing the testimony of the secretary.
- (3) The certification shall be signed before a notary public by the secretary and shall include the name of the member, the member's Social Security number, and a legend substantially to the following effect: "The records are true and complete reproductions of the original records which are housed in the board's office. This certification is given by the undersigned in lieu of his or her personal appearance."
- (4) When an affidavit or copies of records are personally delivered, a receipt shall be presented to the person receiving the records for his or her signature and shall be immediately signed and returned to the person delivering the records. When an affidavit or copies of records are sent via certified mail, the receipt used by the postal authorities shall be sufficient to prove delivery and receipt of the affidavit or copies of records.
- (5) When the affidavit or copies of records are delivered to a party for use in a deposition, they shall, after termination of the deposition, be delivered personally or by certified mail to the clerk of the court or other body before which the action or proceeding is pending. It shall be the responsibility of the party or attorney to transmit the receipt obtained to the secretary of the board. Upon issuance of a final order terminating the case and after the normal retention period for court records expires, the affidavit or copies of records shall be permanently disposed of by the clerk in a manner that protects the confidentiality of the information contained therein.
- (6) Records of the board that are susceptible to photostatic reproduction may be proved as to foundation, identity, and authenticity without any preliminary testimony by use of legible and durable copies, certified in accordance with this section.

**Effective:** April 4, 2006

**History:** Created 2006 Ky. Acts ch. 144, sec. 12, effective April 6, 2006.