



November 7, 2024

To: Joint Committee on Information Technology
From: Matthew Willis, Research Analyst
Re: Personally Identifiable Information Retention Laws

STATE LAWS REGARDING THE RETENTION OF PERSONALLY IDENTIFIABLE INFORMATION

Kansas

Kansas statute enumerates specific retention requirements for personally identifiable information (PII) for state agencies and state agency programs.

For example, statute requires the Kansas Department of Revenue, for purposes of validating sales tax exemptions, to retain PII until the information “is no longer required to ensure the validity of exemptions from taxation.”¹ Another example is the statutory requirement that all information collected by the prescription monitoring program (K-TRACS) database is retained for five years.²

Additionally, some state agencies have adopted PII retention policies that are not enumerated in statute and are set by state agencies or by the State Records Board.

Additionally, policy set by the Kansas Information Technology Executive Council (ITEC) states that entities “must employ mechanism(s) to ensure the confidentiality, availability, and integrity of Restricted-Use Information”³ and that said Restricted-Use Information must be “removed, destroyed, or deleted in a verifiable manner” once that information has met the information retention schedule. State record retention schedules are set both generally and agency-specific by the State Records Board. The State Records Board is comprised of the Attorney General, or their designee; the Secretary of Administration, or their designee; the State

1 [KSA 79-3675](#)

2 [KSA 65-1687](#)

3 ITEC defines “Restricted-Use Information” as “PFI (personal financial information), PII (personally identifiable information), and PHI (personal health information) as defined in this Standard, as well as other regulated data (e.g. tax or criminal justice information) or information agencies designate as Restricted-Use Information due to their confidential or sensitive nature.

Librarian, or their designee; the Executive Director of the Kansas State Historical Society; or their designee; and the State Archivist.

National Institute of Science and Technology Standards

The National Institute of Science and Technology standards for retention of PII suggest that “an organization should regularly review its holdings of previously collected PII to determine whether the PII is still relevant and necessary for meeting the organization’s business purpose and mission.” If the organization determines previously retained PII is no longer needed, then the organization should ensure proper destruction of the PII.

Other States

No other states appear to have general statutes regarding the retention of PII. However, as of 2023, the states of California, Colorado, Connecticut, Delaware, Florida, Indiana, Iowa, Montana, Oregon, Tennessee, Texas, Utah, and Virginia had enacted some form of consumer data privacy legislation which does typically touch on the retention of PII.

For example, California statute limits a business to only collecting, using, retaining, or sharing a consumer’s PII for purposes “reasonably necessary and proportionate to achieve the purposes for which the personal information was collected or processed.”⁴ Similarly, Connecticut’s statute requires that any contract between a controller and a processor of PII have all the data either returned to the controller or destroyed at the end of the contract unless retention is otherwise required by law⁵.

In most instances, the above states have either provided individuals who have had their data privacy rights violated with a private cause of action or have empowered the state’s attorney general to enforce the consumer data privacy requirements.

4 [Cal. Civil Code §1798.100 et seq.](#)

5 [Connecticut 2022 SB 6](#)