

**199.430 Witnesses and evidence -- Confidential treatment of information and records.**

- (1) In the discharge of the duties imposed by KRS 199.410 to 199.670 the secretary or his duly authorized representative may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of the cabinet. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court. Witnesses subpoenaed shall be allowed mileage allowance according to KRS 421.015 for each day their attendance is actually required at a hearing.
- (2) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda or other records in response to such subpoena on the grounds that the evidence required of him may tend to incriminate him or subject him to a penalty for forfeiture. No person shall be prosecuted or subjected to any suit, penalty, or forfeiture on account of any transaction, matter, or thing concerning which he or his agent or worker is compelled, after having claimed privilege against self-incrimination, to give evidence, except that such witness so testifying shall not be exempt from punishment for perjury.
- (3) All letters, reports, communications, and other matters, written or oral, to the cabinet or any of its agents, representatives, or employees, or to any board or official functioning under KRS 199.410 to 199.670, which have been written, sent, or made in connection with the requirements and administration of the cabinet shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court, but no person testifying before the secretary or his duly authorized representative shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection, except to public employees in the performance of their duties, but any interested party at a hearing before the secretary or his duly authorized representative shall be supplied with information from such records to the extent necessary for the proper presentation of his case.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 188, sec. 182, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21). -- Amended 1970 Ky. Acts ch. 92, sec. 65. -- Amended 1952 Ky. Acts ch. 83, sec. 9, effective July 1, 1952. -- Created 1950 Ky. Acts ch. 125, sec. 3.