



## Policy – Open Records Requests

**Policy Number: 009-12**

Last Updated: July 8, 2013

Approved by the Board: July 8, 2013

- I. Purpose
  - a. The purpose of this policy is to provide office staff with parameters for accepting, charging for, and complying with open records requests.
- II. Authority
  - a. It is the public policy of Kansas that public records shall be open for inspection by any person unless otherwise provided, and this act shall be liberally construed and applied to promote such policy. K.S.A. 45-216(a).
  - b. The burden of proving an exemption from disclosure is on the agency not disclosing the information. *State Dept. of SRS v. Public Employee Relations Board*, 249 Kan. 163, 170 (1991). K.S.A. 45-218.
  - c. The Act applies to public records (not to private records): Public records are defined as any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency. K.S.A. 45-217(g).
- III. Policy and Procedures
  - a. Designated Agent
    - i. The Board shall designate a member of the office staff to manage and maintain all open records requests made to the agency.
    - ii. All open records requests shall be made to the designated agent of the Board.
  - b. All parties interested in open records must submit a written request and are encouraged to use the Information Request Form. The requestor must sign and notarize the Certificate of Compliance, per K.S.A. 45-220.
  - c. The Board will generate a Fee Statement For Open Records Request as follows:
    - i. Pre-generated lists
      1. No charge for lists or information generally available to the public.
      2. No charge for lists that are pre-generated and readily available to the agency without any research or preparation.
    - ii. Compilation lists
      1. \$20.00 charge for list search compilation
    - iii. Research and Preparation
      1. \$20.00 per hour
      2. This service includes research into individual records, redacting, summarizing documentation, or copying documentation.
      3. The Board staff member that will be doing the research and request preparation should estimate the time required.
      4. Copying fees will be charged for documents that require redacting.
    - iv. No additional charges if records are to be delivered electronically.
    - v. Shipping or Postage – determined on a case by case basis

- vi. Faxing Fee - \$0.25 per page local, \$0.50 per page long distance
- vii. Copying charge (US mail requests, only) – \$0.25 per page
- d. The Fee Statement shall be sent to the requestor to complete and return with full, non-refundable payment of the total fee prior to providing access to or furnishing copies of public records
- e. Upon receipt of the quoted, non-refundable fees, the designated agent will carry out the request with the assistance of any additional office staff, as necessary.

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