

The Kansas Open Records Act

The Kansas Open Records Act grants you the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. The Open Records Act, K.S.A. 45-215, et seq., as amended, declares that it is the public policy of Kansas that “public records shall be open for inspection by any person.” 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.” The Kansas Board of Regents is a public agency for the purposes of this Act.

Examples of public records maintained by the Kansas Board of Regents:

Regulations
Policies
Minutes/Records of open meetings
Salaries of public officials
Agency budget documents

Your rights

- 1) You have the right to request assistance from the agency's Freedom of Information Officer at any time.
- 2) To obtain a copy of the agency's policies and procedures for access to records.
- 3) To receive a written response to your request within three business days of the date the request was received. The response may inform you that it will take additional time to produce the records.
- 4) To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
- 5) To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

Your responsibilities

You must request existing records – written, photographic, or computerized. The Kansas Open Records Act does not require an agency to answer questions or prepare reports.

You must put your request in writing, and you must provide proof of your identity, if requested.

You may not use any list of names and addresses in public records to solicit the purchase of services or property.

Reasonable fees, not exceeding actual cost, may be charged for access to records, copies of records, and staff time for processing your request.

Requesting a record

Consult with Kip Peterson, Freedom of Information Officer, Kansas Board of Regents, 1000 S.W. Jackson, Suite 520, Topeka, KS 66612; phone (785) 296-3421, to determine if the record you need exists or is available, to ask questions about the Open Records Act, or to obtain assistance in resolving disputes relating to the Act. Requests for inspection and copies of records should be directed to Betty Fincher, Official Custodian.

Regular office hours on all business days, excluding Saturday, Sunday and official holidays, are from 8 a.m. to 5 p.m. Records may be inspected during those hours. The Kansas Board of Regents office is closed on official holidays.

We ask that you submit a written request to obtain copies of public records. Please include the following information in your request:

Your name, mailing address, and a specific description of the records you are requesting. Make your request as specific as possible to expedite the process.

MAIL your request(s) to:
Betty Fincher, Official Custodian
Kansas Board of Regents
1000 S.W. Jackson, Suite 520, Topeka, KS 66612

FAX your request(s) to: (785) 296-0983

E-MAIL your request(s) to: bfincher@ksbor.org with the subject line: Open Records Request

Charges for the service shall be collected in advance. Agency records shall remain in the possession and control of an agency staff member during inspection and/or duplication.

Delayed and/or denied requests

All efforts will be made to process your request for public records as soon as it is received; however, some requests may be delayed or denied if:

More information is needed in order to retrieve the records; legal issues must be addressed before the records are released; the requested records are archived or stored off site; or the volume of records requested is large and will take time to duplicate.

Requests may be denied in whole or in part if: The requested record does not exist; the requested record is exempt from disclosure by law; or the request is unclear and more information is needed.

If the request is delayed or denied, you will receive a written explanation for the delay or denial within three days of the date your request was received. You may be requested to provide additional information if access to public records or the purpose for which the records are to be used is limited by state law.

Permission to inspect or copy public records may be denied if: (1) the request “places an unreasonable burden in producing public records;” or (2) the custodian of the records “has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency.” Denial of a person's inspection or copying request must be explained in writing if the person requests such an explanation.

Copies of radio or recording tapes or disks, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices shall not be required to be furnished unless such items or devices were shown or played to a public meeting of the Kansas Board of Regents or other public body.

Charges and fees

Fees shall be charged in advance for the provision of access to and the copying of public records, and proof of identity shall be requested. Fees for copies shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make them or supervise the copying. Fees for providing access to computer records shall include the cost of computer services, including staff time required.

In accordance with this provision and the Kansas Open Records Act, K.S.A. 45-215 et seq., the following fees shall be charged for providing access to or furnishing copies of public records:

- Staff time in providing access to/inspection of record in excess of 10 minutes--\$15/hour
- Copy of records produced at Board office in excess of 5 pages--\$.05/page
- Copies produced by outside vendor-- actual cost
- Mailing of Record--actual cost
- Certification of record--\$.50/page

Exceptions to the Open Records Act

The Kansas Open Records Act recognizes that certain records contain private or privileged information. The Act lists several exceptions including, but not limited to:

Personnel records of public employees
Medical treatment records
Records protected by attorney/client privilege
Records closed by the rules of evidence
Records containing personal information compiled for census purposes
Notes and preliminary drafts
Criminal investigation records

A list of exceptions can be found in K.S.A. 45-221, but other state and federal statutes may also restrict access to certain records. One pertinent example is the Family Educational Rights and Privacy Act (FERPA) (also known as the Buckley Amendment) which protects student records.

An agency is only required to provide public records that already exist. There is no requirement for the agency to create a record upon request.

Nothing in the Open Records Act supercedes federal law, including FERPA.

If a record is only partially exempted from disclosure, the designated record custodian shall delete the exempted materials and make available the materials that are subject to disclosure. Records that are exempt because they pertain to an identifiable individual are subject to disclosure if deletion of the identifying portions of the records is possible.

Most public records more than 70 years old are open for inspection unless disclosure of such records is otherwise prohibited under federal or state law.

Additional information

Additional information about the Kansas Open Records Act can be obtained at:

<http://www.accesskansas.org/ksag/OPEN/KORA.htm>

If you have questions about the Act or the Kansas Board of Regents' policies under it, contact Kip Peterson at (785) 296-3421 or e-mail kpeterson@ksbor.org. The information contained in this brochure pertains to laws in effect on July 1, 2005.

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Kansas Board of Regents

Your rights and responsibilities under the law