

The Kansas Open Records Act

Kansas State University

Your rights and
responsibilities
under the law

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." Kansas State University is classified as a public agency for the purposes of this Act.

Public records maintained by K-State:

Regulations

Policies

Minutes/Records of open meetings

Salaries of public officials

Agency budget documents

Your rights

You have the right to request assistance from the agency's Freedom of Information Officer at any time. You have the right:

- To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.
- To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
- To obtain a copy of the agency's policies and procedures for access to records.
- To receive a written response to your request within three business days. The response may inform you that it will take additional time to produce the records.

Your responsibilities

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

An agency may require you to put your request in writing, and you must provide proof of your identity, if requested.

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 our Freedom of Information Officer, Cheryl May, Director of Media Relations and Marketing, 9 Anderson Hall, Kansas State University, Manhattan, Kansas, 66506; phone 785-532-6415, to ask questions about the Open Records Act, or to obtain assistance in resolving disputes relating to the Act.

Thomas G. Schellhardt, Associate Vice President for Administration and Finance, 105 Anderson Hall, Kansas State University, Manhattan, Kansas, 66506, phone 785-532-6228, is the designated Official Custodian of Public Records, and requests for inspection and copies of records should be directed to him.

Regular office hours on all business days, excluding Saturday, Sunday, and official holidays, are from 8 a.m. to noon, and from 1 p.m. to 5 p.m. Records may be inspected during those hours. The university is closed on official holidays.

We ask that you submit a written request to obtain public records. It may be submitted by fax, but not by e-mail. Please include the following information in your request:

Your name, mailing address and daytime telephone number;

Fax number, if applicable;

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:

Thomas G. Schellhardt, Associate Vice President

for Administration and Finance
105 Anderson Hall
Kansas State University
Manhattan, KS 66506

FAX your request(s) to Mr. Schellhardt at 785-532-6693

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; 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; 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 those three days.

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 for the provision of access to and the copying of public records. Fees for copies shall equal 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 may be charged for providing access to or furnishing copies of public records:

Non-Certified Copy — \$.25 per page
Addition for Certified Copy — \$ 1.25 per page
Addition for Mailing (single letter weight) —
Postage at Cost
Fax (outgoing only) — \$ 1.25 per page
Access/Inspection — \$25. per hour

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
Several other specific types of records

A complete list of exemptions can be found in K.S.A. 45-221.

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 the Family Educational Rights and Privacy Act (Buckley Amendment).

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

Public records more than 70 years old are open for inspection without regard to the above-listed exemptions. Disclosure of such records is prohibited only if federal or state law so provides.

Additional information

Additional information about the Kansas Open Records Act can be obtained at:
<http://www.ksu.edu/policies/ppm/3060.html>

If you have questions about the Act or the university's policies under it, contact K-State's Freedom of Information Officer, Cheryl May, at 785-532-6415, or e-mail media@ksu.edu.

The information contained in this brochure pertains to laws in effect on July 1, 2000.