

_____ County Open Records Policy
Adopted on _____, 20__

Overview

_____ County is a public agency under K.S.A. 45-217 that operates with transparency to promote an open and accessible government. As a public agency, the Kansas Open Records Act (“KORA”) applies to records prepared by county officials. The following document establishes the general principles by which the county operates to encourage accessibility for citizens.

The Kansas Open Records Act is found in K.S.A. 45-215 – 45-250. The public entities in the act include any political or taxing subdivision of the state. In addition to counties, this includes state agencies, cities, school districts, and more. The law requires each entity to make certain records available to the public.

Available Records

Kansas defines public records 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 including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund” (K.S.A. 45-217(f)).

The law further specifies that certain records are not public. K.S.A. 45-217(f) excludes records owned by private persons or entities unrelated to operations that receive public funds. The law also excludes employment records showing contributions for workers compensation, social security, unemployment insurance, and retirement.

The broad definition of “public records” aligns with the State’s policy of promoting transparency. K.S.A. 45-216 specifies that “public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy.”

At the local level, public records include resolutions, minutes from open meetings, budgets, salaries of public officials, and more.

Exceptions to Open Records

Despite the broad definition of open records, there are a number of exemptions from public inspection. The entire list of exemptions is available in K.S.A. 45-221, and the law now includes over 45 specific exclusions. Some of the oft-requested exemptions include:

- Records protected by attorney-client privilege
- Personnel information of public employees
- Criminal investigation records
- Medical treatment records
- Proprietary business information

These exemptions are still secondary to the presumption of openness in government, and _____ County will operate with a goal of transparency.

An additional exemption applies specifically to law-enforcement officers (LEOs) and judges. LEOs and judges may ask the Freedom of Information Officer (“FIO”) to remove any home-address records or home-ownership records. The FIO will maintain a list of LEOs and judges who request the KORA

exemption and instruct the records custodian to redact the names or addresses from records viewed by or distributed to citizens.

Requesting a Record

As required by K.S.A. 45-217, _____ County has an official records custodian. All open-records requests must go through the records custodian and must be in written form. You may submit your requests in four different methods:

Mail: Address

Email: _____ (Subject Line must be "Open Records Request")

Fax: _____

On site: Address

Individuals may make in-person requests by filling out _____ County’s open-records-request form, which is available through the Freedom of Information Officer or records custodian.

All written requests must include the name and address of the person seeking the information. The requesting individual must specifically describe the requested information. _____ County will respond to the records request as soon as possible, and will reply before the end of the third business day following receipt of the open-records request. The records will be available for review during normal business hours.

Delayed or Denied Request

As mentioned, _____ County will respond to requests as soon as possible, but some requests may require additional information before filling the request. Additionally, some records may be off-site in permanent storage, some requests may require legal analysis before release, and some records may be too voluminous and thus require additional time to produce.

Further, some records are not open for public consumption based on the exemptions in K.S.A. 45-221. The records custodian may deny requests that fall under the exemption. The county may also deny requests for records that do not exist, as KORA does not impose a requirement to create records. Denial may also occur if the records custodian needs more information.

If _____ County delays or denies a request, the requester will receive a written explanation.

Fees

K.S.A. 45-215 allows public agencies to charge fees for providing copies or access to public records. _____ County may request the fee in advance to cover the cost of staff time or the cost of reproducing the record.

The fee schedule for producing records is as follows:

Copies Produced Through the Document Feeder

Pages 1 – 10: \$0 .__ each
Pages 11+: \$0 .__ each

Documents Copied One Page at a Time

All pages \$0.__ each

Offsite Document Retrieval

All pages \$_.__ each
All boxes \$_.__ per box

Printed Computer Reports

All pages \$_.__ each

Faxes

Local \$_.__ per faxed page
Long Distance \$_.__ per faxed page

Staff Time

Search/Collect/Redact \$_.__ per 15-minute interval

Additional Resources

For additional information on the Kansas Open Records Law, visit the Kansas Attorney General’s website at: <http://ag.ks.gov/legal-services/open-govt/kora-faq>. For additional information on open-records policies in _____ County, please contact the Freedom of Information Officer at:

____ FIO _____
____ Contact _____
____ Contact _____
____ Contact _____