

Open Records Requests Continued...

Exceptions

The Kansas Open Records Act recognizes that certain records contain private or privileged information. The Act lists several exceptions under KSA §45-221, 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
- Proprietary business information

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 supersedes federal law, including the Family Educational Rights and Privacy Act (FERPA), and/or the Health Insurance Portability and Accountability Act (HIPAA). 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.

If a record is only partially exempted from disclosure, the 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, unless individuals' identities are reasonably ascertainable.

Charges and fees

Fees shall be charged for the provision of access to and the copying or availability of public records. Fees for copies or computer services shall equal the actual cost of furnishing copies or information, including the cost of staff time required to make them or supervise the access, copying, etc.

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:

- Photocopies: \$.20/page
- Scanned data: \$.25/page
- Mailing: \$1.40
- Postage: Actual cost
- Fax: \$.90/page
- CD/Floppy: \$.60/each
- Access/Inspection Costs: \$32.25/hour
- Computer Access: \$50/hour

Questions?

If you have questions about the Act or KU's policies under it, or to obtain assistance in resolving disputes relating to the Act, contact the KU Freedom Information Officer:

Theresa Gordzica
University of Kansas
1450 Jayhawk Boulevard, 225 Strong Hall
Lawrence, KS 66045-7535
785-864-4868

The information contained in this brochure pertains to laws in effect on July 1, 2006.



OPEN RECORDS REQUESTS

Open Records Requests

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

Public records maintained by KU

- 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 KU's Freedom of Information Officer at any time. You have the right:

- 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.
- 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 records - written, photographic, or computerized. The Kansas Open Records Act does not require an agency to answer questions, prepare reports, or compile information. The University requires you to put your request in writing; if requested, you must provide proof of your identity. Reasonable fees, not exceeding actual cost, may be charged for access to records, copies of records, and staff time for processing your request. See Fee Schedule on reverse.

Requesting a record

Requests for inspection and copies of records should be directed to the KU Custodian of Records as follows:

Jane E. Rosenthal
Custodian of Public Records
University of Kansas
1450 Jayhawk Boulevard, 250 Strong Hall
Lawrence, KS 66045-7535
785/864.4463 (fax)
privacy@ku.edu

Charges for the access to records shall be collected in advance. Agency records shall remain in the possession and control of an agency staff member during inspection and/or duplication. The University of Kansas asks that you submit a written request to obtain public records. Please include the following information in your request:

- Name
- Mailing address
- 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.

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/access.

Requests may be denied in whole or in part if:

- The requested records do not exist.
- The requested records are 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 three business 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."

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.