

# **POLICIES AND PROCEDURES RELATING TO THE KANSAS OPEN RECORDS ACT**

The Kansas Open Records Act (Act) grants members of the public the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. 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." Fort Hays State University is classified as a public agency for the purposes of this Act.

## **Public Records Maintained by Fort Hays State University**

Examples of records maintained by FHSU which are public records under the Act include:

- Policies
- Salaries of public officials
- Budget documents

## **Rights Granted by the Act**

Anyone has the right to:

- Inspect and obtain copies of public records which are not exempted from disclosure by a specific provision of the Act.
- Obtain a copy of the agency's policies and procedures for access to records.
- Receive a written response to a request within three business days. The response may inform the requester that it will take additional time to produce the records.
- File a complaint with the Kansas Attorney General if the request for public records is wrongfully denied.

## **Responsibilities of Person making a Request**

The request must be for records - written, photographic, or computerized. The Kansas Open Records Act does not require FHSU to answer questions, prepare reports, or compile information. FHSU may require the request to be in writing, and proof of identity may be required.

## **Requesting a Record**

Requests for inspection and/or copies of records should be directed to:

Todd D. Powell  
Custodian of Public Records/Freedom of Information Officer  
Office of the President  
Fort Hays State University  
600 Park Street  
Hays, KS 67601

A written request to obtain public records must include the following:

- Name
- Mailing address
- Daytime telephone number
- Fax number, if applicable
- A specific description of the records requested.

Records may be inspected during regular office hours, which are from 8 a.m. to 4:30 p.m on all business days, excluding Saturdays, Sundays, and official holidays.

### **Delayed and/or denied requests**

All efforts will be made to process a 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 records do not exist.
- The requested records are exempt from disclosure by law.
- The request is unclear and more information is needed.
- The request places an unreasonable burden on FHSU.
- The custodian of the records has reason to believe that repeated requests are intended to disrupt the essential functions of FHSU.

If the request is delayed or denied, a written explanation for the delay or denial will be provided within three business days.

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 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 perform or supervise the copying. Fees for providing access to computer records shall include the cost of computer services, including staff time required. Pre-payment of all fees may be required prior to fulfilling a request. 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: \$.25 per page
- Scanned data: \$.25 per page
- Mailing: \$1.40
- Postage: Actual cost
- Fax: \$.90 per page
- CD/Floppy: \$.60 each
- Access/Inspection Costs: \$32.25 per hour
- Computer Access: \$50 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
- Proprietary business information

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

## **List of Name and Addresses**

Pursuant to K.S.A. 2008 Supp. 45-230, no person is allowed to knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except under limited exceptions. Therefore, before any request for contact or directory information of any group of persons is granted by FHSU, the requestor will be required to complete an affidavit indicating that the list will not be used for purposes not allowed by the Act.

*Adopted by President's Cabinet 12/02/09*