



## OPEN RECORDS ACT

A GUIDE TO  
KANSAS OPEN RECORDS

### Definitions:

**PUBLIC RECORD:** A "public record" is 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.

**BUSINESS DAY:** A "business day" is defined as any day other than Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of the state or by the respective political subdivision of this state.

### The local Freedom of Information officer for this Public agency is:

Cynthia A. Beck  
Shawnee County Clerk

### Questions?

*Contact your local Freedom of Information Officer if you have any questions concerning:*

- What records are open and available;
- How to obtain a record;
- Any dispute relating to open records;
- The cost of an open record;
- Any other question relating to open records.

Kansas legislation was enacted in 1984, K.S.A. 45-215 *et seq.*, more commonly known as the Kansas Open Records Act (KORA). KORA addresses the following three areas: your rights as a requester of open records, the responsibilities of the state agency concerning open records and procedures for requesting open records.

For a complete copy of the Kansas Open Records Act, contact your local Freedom of Information Officer or go to [www.ink.org/public/legislative](http://www.ink.org/public/legislative), then click on the "Kansas Statutes" icon. The Kansas Open Records Act starts at K.S.A. 45-215.

# What Records Are Available?

Most records maintained by public entities are open for inspection and/or copying by individuals. Commonly requested records include:

- Resolutions (County & City)
- Ordinances (City)
- Minutes from open meetings
- Salaries of public officials
- Budgets

## Exceptions

The Kansas Open Records Act recognizes that some records contain information which is private in nature. For this reason, the Act lists a number of exceptions. Records which are closed for this reason may include:

- Personnel information of public employees;
- Records which are protected by the attorney-client privilege or the rules of evidence;
- Records containing personal information compiled for Census purposes;
- Notes and preliminary drafts;
- Criminal investigation records; and
- Several other specific records.

For a complete listing of exemptions, see K.S.A. 45-221.

# How to Request a Record

## - Step 1 -

Check with the records custodian or local Freedom of Information Officer to determine whether the information that you need is available. Please remember to be courteous and specific when requesting information so that the custodian will be able to serve you better.

## - Step 2 -

You may be asked to submit your request for information in writing. The records custodian may have a prepared form for this purpose. Make sure your request is as specific as possible so that your request may be filled quickly and completely. The records custodian may ask detailed questions in order to fulfill your request accurately.

## - Step 3 -

Most records will be produced within three business days from the time the request is received. If the request is denied, you will receive a written explanation for the delay or denial.

## - Step 4 -

If you have any questions about your request, contact your local Freedom of Information Officer.

# Fees

The Kansas Open Records Act authorizes public agencies to charge fees for providing access to or furnishing copies of public records. This fee may be requested in advance and may include:

- ◆ Cost of staff time required to make the information available.
- ◆ Cost of copying or reproducing the record.

# Why Would My Request be Denied?

Although every attempt will be made to provide the information requested, it is not always possible to fulfill the request. There are a number of reasons that a request may be denied:

- ◆ The specific record that was requested does not exist;
- ◆ The request was unclear and should be resubmitted with more detail;
- ◆ The record that was requested is closed to protect an important privacy interest (see the list of exceptions to the Kansas Open Records Act at K.S.A. 45-221).