

THE KANSAS OPEN RECORDS ACT

OPR006: Access to public records

Procedure Category: Operational

Subject: Access to Public Records

Procedure Owner: Office of Human Resources

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. Cowley College is classified as a public agency for the purposes of this Act.

Public records maintained by Cowley College

- 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 Cowley College'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.

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

Cowley College's Director of Human Resources is the designated official Freedom of Information Officer, and requests for inspection and copies of records should be directed to him/her.

Cowley College asks that you submit a written request to obtain public records. Please include the following information in your request:

- Name
- Organization (if requesting on its behalf)
- Mailing address
- Email address
- Daytime telephone number
- A specific description of the records you are requesting. Make your request as specific as possible to expedite the process.

Mail or email your request(s) to:

Director of Human Resources/Freedom of Information Officer
Cowley College
125 S. 2nd Street
Arkansas City, KS 67005
openrecords@cowley.edu

Regular office hours on all business days, excluding Saturday and Sunday, are from 8:00 am – 4:30 pm. Posted summer hours are from 8:00 am – 5:00 pm Monday through Thursday; 8:00 am to noon on Friday. Records may be inspected during those hours. The College is closed on official holidays and seasonal breaks.

Delayed and declined requests

All effort is made to fully respond to your records request as soon as it is received; however, a determinative response may be delayed if:

- Clarification or refined scope is required.
- Legal issues must be resolved before requested records can be produced.
- The records are archived or stored off-site.
- The scope or large volume of requested records requires more time to assess record existence, availability, and any fees incurred to produce.

If further delay is required, the College will provide its explanation and the earliest date by which it expects to provide determinative response.

A request may be declined in whole or in part if:

- The requested records do not exist.
- The requested records are exempt from disclosure by law.
- The request is insufficiently clear in scope.

Permission to access public records may also be declined if the request "places an unreasonable burden in producing public records or the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency." See [K.S.A. 45-218\(e\)](#).

Exceptions

The Kansas Open Records Act recognizes that certain records contain private or privileged information, and the agency is not required to provide access to those records. The Act lists several exceptions, including but not limited to:

- Records closed by the rules of evidence
- Personnel records of public employees
- Medical treatment records
- Criminal investigation records
- Notes, preliminary drafts, or records in which opinions are expressed or actions are proposed
- Records for which disclosure would constitute a clearly unwarranted invasion of personal privacy
- Proprietary business information
- Records protected by attorney/client privilege
- For the complete list, see [K.S.A. §45-221\(a\)](#).

Records more than 70 years old may be disclosed without regard to the above-listed exemptions, unless exempt under other federal or state law.

Records only partially exempt will have the exempt portions excluded prior to production. Records that would unduly disclose individual identities will not be produced.

Nothing in the Kansas Open Records Act supersedes federal law, including the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA). While FERPA permits disclosure of student "Directory Information" without student consent, Cowley College's [Student Records Policy](#) does not define email addresses in bulk as Directory Information; therefore listings of multiple student email addresses are not produced for any purpose. Cowley College also does not produce listings of student names and addresses for commercial purposes pursuant to [K.S.A. §45-230](#).

Fees

Commensurate with the actual costs in College employee time and resources, fees shall be charged for the retrieval, review, and production of public records. In accordance with [K.S.A. §45-219](#), the following fee rates are established by the College may be applied, with payment of total estimated fees required by cash, check or money order ***in advance*** of records production if the estimated fee expense exceeds \$25.

If the actual cost in time and resources exceeds the fee estimate, the requestor will be billed for the balance of fees incurred, with full payment required before records production. If the actual cost is less than the fee estimate, the requestor will be refunded any difference over \$5.00. Fees are:

- Executive employee rate based upon the employee's annual salary/hourly pay rate. (Executive employees are President and his/her direct reports)
- Manager rate for retrieval and/or review: \$50/hour (Directors/Coordinators)
- Staff rate for retrieval and/or assembly to produce: \$30/hour
- Specialized computer retrieval: \$50/hour
- Copies: 25 cents per page for paper copies; 12.5 cents per page for electronic copies
- College attorney fee: \$200/hour

Requests for Electronic Format Records

The records custodian will be the sole judge of the ability of the agency to comply with any request for the records to be provided in electronic format or for records that must be produced in any specific computer generated format.

Additional information

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

The Solomon Amendment

Under the provisions of the Solomon Amendment (32 C.F.R. 216), Cowley College is required to provide "student recruitment information" upon request to representatives of the Department of Defense for military recruiting purposes. This information includes student name, address, telephone number, date of birth, level of education or degrees received, major and the most recent previous educational institution in which the student was enrolled. For questions regarding the College's compliance with FERPA and the Solomon Amendment, contact Cowley College. Fees as provided under KORA shall apply to these requests.