Exceptions

KORA recognizes that certain records contain private or privileged information, and the agency is not required to provide access to or copies of those records. 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

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 Kansas 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 Custodian shall exclude the exempted materials and produce the material subject to disclosure. Records that are exempt because they pertain to identifiable individual may be disclosed if exclusion of the identifying portions would protect the individual(s) from identification.

Fees

Commensurate with the actual costs of employee time and University resources, fees shall be charged for the retrieval, review, and production of available public records. In accordance with KSA §45-219, the following fee rates may be charged, with total estimated fee payment required in advance of records production:

- Manager rate for retrieval and/or review: $65/hour
- Staff rate for retrieval and/or preparation to produce: $33/hour
- Rate for specialized computer retrieval: $50/hour
- Digital transmission or mailing fee: $1.50
- Fax: $.80/page
- Photocopies: $.20/page
- Scanned data: $.25/page
- Actual postage cost(s)
- CD: $1.25 each

Questions?

If you have questions about KORA or KU’s policies under it, or seek assistance in resolving disputes relating to the Act, contact the University of Kansas Freedom of Information Officer:

Theresa Gordzica
The 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 as of July 1, 2006.
The Kansas Open Records Act

The Kansas Open Records Act (KORA) grants you the right to access public records created or maintained by public agencies in Kansas, including the University of Kansas. The Act, K.S.A. 45-215 et seq., as amended, declares as public policy in 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." Records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds are not public records.

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 that are not exempt 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 after the University's date of receipt. The response may request additional time to determine record existence, availability, and any fees incurred to produce.
- To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

Your responsibilities

Your request may seek only existing records, whether written, photographic, or computerized.

The Act does not require an agency to answer questions, prepare reports, or compile information. Visual presentations and audio or video recordings are required to be produced only if such items were used in a public meeting of the Kansas Board of Regents or other public body.

The University requires you to submit your request in writing. If requested, you must provide proof of identity. Listings of multiple student email addresses will not be produced. If you seek student listings, you may be asked to certify non-commercial intent pursuant to KSA §45-220(c). If your request for student listings is commercial in nature, be advised that the University, as a state agency, is prohibited from the gift or sale of any listing of names and addresses for the purpose of selling or offering for sale any property or service to persons listed therein. See KSA §45-230.

Reasonable fees, not exceeding the actual cost of University time and resources expended, may be charged prior to the production of records. See Fees section on the reverse side. Payment by check or money order may be mailed to the Custodian of Public Records. If the Custodian does not receive payment or further response within sixty (60) days after the date of the estimate, the University will consider the request abandoned.

Requesting a record

Please make your description of the requested records as specific as possible, and include your full contact information:

- Name
- Organization (if requesting on its behalf)
- Mailing address
- Email address
- Daytime phone number

Requests for records should be mailed or emailed to the KU Custodian of Public Records:

Andy Foat
Custodian of Public Records
The University of Kansas
1450 Jayhawk Boulevard, 223 Strong Hall
Lawrence, KS 66045
andyfoat@ku.edu

Delayed and denied requests

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

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

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 insufficiently clear in scope.

If the request is delayed or denied, you will receive written explanation within three business days after the University's date of receipt. Permission to access 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."