

The Kansas Open Records Act

(KORA) is the version of the Federal Freedom of Information Act (FOIA) [5 U.S.C. § 552]. 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 City of Basehor is a governmental agency and shall follow the guidelines as set out in the FIOA and KORA statutes.

Citizen Rights

- 1) You have the right to request assistance from the agency’s Freedom of Information Officers at any time during working hours.
- 2) To obtain a copy of Chapter I, Article 6, Open Records policies and procedures for access to records.
- 3) To receive a written response to your request within three business days of the date the request was received. The response may inform you that it will take additional time to produce the records.
- 4) To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
- 5) To file a complaint with the Kansas Attorney General if you feel your request for public records was wrongfully denied.

Citizen Responsibilities

- You must request existing records – written, photographic, or computerized.
- The Kansas Open Records Act does not require an agency to answer questions or prepare reports.
- You must put your request in writing, and you must provide proof of your identity, if requested.
- You may not use any list of names and addresses in public records to solicit the purchase of services or property.
- 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

You may request a public record from the following record custodians:

Mary Mogle, City Clerk (ext. 28)
cityclerk@cityofbasehor.org
Susan Adams, City Treasurer (ext. 34)
treasurer@cityofbasehor.org
Lloyd Martley, Chief of Police (ext. 22)
chief@basehorpolice.org
Patrick Reavey, City Attorney
(contact city clerk for records request)
Traci Dockery, Police/Court Clerk (ext. 30)
pdmclrk@basehorpolice.org

You may call (913) 724-1370 and the extension shown next to the custodian’s name to determine if the record you need exists or is available, to ask questions about the Open Records Act.

Regular office hours on all business days, excluding Saturday, Sunday, and official holidays, are from 8 a.m. to 4:30 p.m. Records may be inspected during those hours. We ask that you submit a written request to obtain

copies of public records. Please include the following information in your request:

- ✓ Your name, mailing address, and a specific description of the records you are requesting.
- ✓ Make your request as specific as possible to expedite the process.
- ✓ Include in subject line: “Open Records Request”

MAIL your request(s) to:

Mary Mogle, City Clerk
City of Basehor
P. O. Box 406
Basehor, KS 66007-0406

FAX your request(s) to: (913) 724-3388 or (913) 724-3102 for court and police records.

Records shall remain in the possession and control of a City of Basehor staff member during inspection and/or duplication.

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; or 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 record does not exist; the requested record is exempt from disclosure by law; or 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 days of the date your request was received. You may be

requested to provide additional information if access to public records or the purpose for which the records are to be used is limited by state law. 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." Denial of a person's inspection or copying request must be explained in writing if the person requests such an explanation. 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 in advance for the provision of access to and the copying of public records, and proof of identity shall be requested. Fees for copies shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make them or supervise the copying. Fees for providing access to computer records shall include the cost of computer services, including staff time required. In accordance with this provision and the Kansas Open Records Act, K.S.A. 45-215 et seq., the following fees shall be charged for providing access to or furnishing copies of public records:

- Staff time in providing access to/inspection of record at the rate of \$15/hour, per employee, engaged in the record search. A minimum charge of \$5 shall be charged.
- Record copying shall be at the rate set in the Municipal Code of the City of Basehor.
- Copies produced by outside vendor shall be billed at the actual cost.

--Mailing of Record--actual cost

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:

1. Personnel records of public employees
Medical treatment records, records protected by attorney/client privilege, certain utility service information.
2. Records closed by the rules of evidence
Records containing personal information compiled for census purposes
3. Notes and preliminary drafts
Criminal investigation records
4. A list of exceptions can be found in K.S.A. 45-221, but other state and federal statutes may also restrict access to certain records. One pertinent example is the Family Educational Rights and Privacy Act (FERPA) (also known as the Buckley Amendment) which protects student records.

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 FERPA. If a record is only partially exempted from disclosure, the designated record custodian shall delete the exempted materials and make available the materials that are subject to disclosure. Records that are exempt because they pertain to an identifiable individual are subject to disclosure if deletion of the identifying portions of the records is possible. Most public records more than 70 years old are open for inspection unless disclosure of such records is otherwise prohibited under federal or state law.

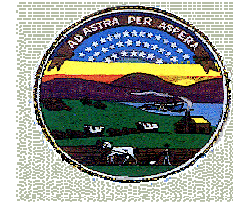
Disclaimer: Some information contained within this brochure was extracted from KS Dept of Labor website.

City of Basehor



Open Records Request

Kansas Open Records Act



Additional information

Additional information about the Kansas Open Records Act can be obtained at:

<http://www.accesskansas.org/ksag/OPEN/KORA.htm>,
www.cityofbasehor.org, www.lkm.org, or call Attorney General's Office at (785)296-2215.

Detailed copy of Chapter 1, Article 6, Open Records of the Basehor Municipal Code may be viewed at www.cityofbasehor.org