



Kansas Legislative Research Department

Providing nonpartisan, objective research and fiscal analysis for the Kansas Legislature since 1934

68-West-Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504
(785) 296-3181

kslegres@klrd.ks.gov

kslegislature.org/klrd

POLICY AND PROCEDURE OBTAINING COPIES OF OR ACCESS TO PUBLIC RECORDS PURSUANT TO THE KANSAS OPEN RECORDS ACT (KORA) KSA 45-215 ET SEQ.

OFFICE HOURS: 8 a.m. to 5 p.m., Monday through Friday, except designated state holidays.

DESIGNATED CUSTODIAN: J.G. Scott, Director

RIGHT TO ACCESS RECORDS: Under KORA, you have the right to review and obtain copies of public records maintained by KLRD, subject to certain exceptions described below. KORA does not require KLRD to answer questions or prepare reports, but only to provide access to public records that already exist. As detailed below, KLRD may require a request be made in writing, and you will be charged a reasonable fee in advance for staff time and copying.

KLRD will respond to your request by the end of the third business day following our receipt of your request. This response may include the requested records or may explain why the record is not available or why additional time is needed to further respond to the request. A request may be refused if it places an unreasonable burden on KLRD or if repeated requests appear intended to disrupt the essential functions of KLRD.

KLRD DOCUMENTS NOT REQUIRING AN OPEN RECORDS REQUEST: KLRD provides nonpartisan, objective research and fiscal analysis for the Kansas Legislature. To serve the Legislature and the public, many of our publications and material of general interest may be accessed at the department website: <http://www.kslegresearch.org/klrd.html>. Printed copies of our most requested documents are usually available in our reception area. There may be a charge for copies of some of our larger documents.

COMMITTEE MINUTES: Minutes of legislative committees and copies of testimony presented to the committees may be obtained through the Office of Legislative Administrative Services, Room 551-S, Statehouse, 300 SW 10th Avenue, Topeka, KS, 66612. Phone: (785) 296-2391. Some minutes and testimony are available on the legislative website: <http://www.kslegislature.org>.

WHAT RECORDS ARE NOT AVAILABLE: Some records produced by KLRD fall under exceptions to KORA and therefore are not subject to access. See KSA 45-221 (http://www.ksrevisor.org/statutes/chapters/ch45/045_002_0021.html) for a complete list of KORA exceptions. Material prepared for individual legislators is confidential and falls within these exceptions.

The exceptions include, but are not limited to:

- Records pertaining to proposed legislation or amendments, unless publicly cited in an open meeting or distributed to a majority of a quorum of a committee or chamber;
- Records pertaining to research prepared for one or more legislators, unless publicly cited in an open meeting or distributed to a majority of a quorum of a committee or chamber;
- Notes, preliminary drafts, research data in the process of analysis, and memoranda, unless such records are publicly cited in an open meeting or agenda of an open meeting;
- Records protected by the attorney-client privilege or an attorney work product;
- Certain records related to the Senate Committee on Confirmation Oversight; and
- Certain personnel information.

REQUESTING A RECORD: To ensure that the request is clearly understood, KLRD requires requests for access to or copies of records be made in writing. All requests must state:

- The requester's name;
- Mailing address;
- Sufficient information about the records being requested to help staff determine if the requested records exist and are in KLRD's possession. KLRD is not required to create a document or record that does not yet exist to respond to a request; and
- If the records being requested are subject to an exception under KSA 45-221 that allows disclosure to certain persons or under certain conditions, sufficient information to show that the requester meets the requirements for disclosure.

To ensure the most timely and complete response to your request, KLRD recommends requests be addressed to "Open Records Custodian" at our above address and also include:

- A phone number and e-mail address where the requester can be contacted; and
- As much detailed information about the records being requested as possible.

For your convenience, an optional request form is included at the end of this brochure. KLRD does not require this form be used for a request. Requests may be mailed, hand-delivered, or sent to KSLegRes@KLRD.ks.gov. (If you elect to send via email, please include "Open Records" in the subject line.)

KLRD will be the sole judge of its ability to comply with any request for the records to be provided in electronic format or for records that must be produced in any special computer generated format.

FEES: KLRD will respond to one record request, per requester, in a twelve-month period at no charge, provided a response can be produced with less than one hour of staff time and consists of no more than 25 pages.

For additional requests, or requests exceeding one hour of staff time or that are more than 25 pages, the following rates may apply:

- \$20-60 per hour of staff time required to respond to the request, depending on the staffer's pay rate;
- \$0.50 for the first printed or copied page;
- \$0.15 for each subsequent printed or copied page; and
- Estimated cost for First Class postage.

If it appears a request will be subject to a fee, KLRD will respond with an estimate of the fees before gathering and processing or providing access to the records. This process will be completed through Legislative Administrative Services. **The estimated fees must be paid before the agency processes the request or provides access to the requested records.**

Any overestimate of fees will be refunded. If fees are initially underestimated, KLRD will notify the requester of any correction to the fee and payment of any additional fee will be required before that portion of the response not covered by the initial fee is completed.

RESPONSE TIME: KLRD will act upon requests as soon as possible, with some response being sent to the requester no later than the end of the third business day following the receipt of the request. If it appears that additional time will be needed, fees will be assessed, or some of the records may be closed by law, a written response will be provided as soon as the records have been located and reviewed. A request may be denied in whole or in part. If the request is denied, KLRD will identify generally the records denied, and the specific legal authority for the denial.

KLRD OPEN RECORDS REQUEST FORM

This form is provided as a convenience. Its use is not required in making an Open Records Request.

Dear Open Records Custodian:

Under the Kansas Open Records Act (KORA), KSA 45-215 *et seq.*, I request access to or copies of the following records (*please provide as much detail as possible in describing the records you want and the time period of such records; attach additional pages if necessary*):

My contact information is:

Name: _____

Daytime phone number: _____

E-mail: _____

Address: _____

KSA 45-230 prohibits the use of the information obtained through KORA for commercial purposes. I certify that I do not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or services to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(Signature of requester)

(Date)