

The Kansas Open Records Act

A guide to the rights of the public & the responsibilities of Manhattan-Ogden USD 383

The Kansas Sunshine Laws require governments to function in the open, subject to public scrutiny. Kansas has two sunshine laws: the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA).

KORA requires most records that are made or kept by public schools or community colleges to be open to the public. KORA is designed to ensure public access to information that forms the basis for public decision-making.

Each of these laws make openness the rule, but recognizes that there are times when individual privacy interests or competing public interests override the public's right to know.

Private individuals can bring action in the district court to enforce their rights under the Kansas Open Records Act. Actions can also be brought by the county attorney, the district attorney or the Kansas Attorney General. Although schools or community colleges can be fined for intentionally violating KORA, injunctions and other orders to enforce the purposes of KORA are the most common remedies.

The Kansas Open Records Act - KORA

KORA begins with the presumption that all public records should be open to the public, but allows certain exemptions from this requirement.

Exemptions are included in the law because the legislature has determined the public's right to know is outweighed by another important interest.

The following list provides examples of the types of records which may be exempt under KORA. Not all exempt records are included in the example list.

- Records exempted by other laws
- Records that are privileged under the rules of evidence
- Medical and treatment records
- Personnel records, except for the name of the employee, position held, salary and length of service
- Names of donors, if they have requested their name not be released
- Some emergency or security procedures
- Sealed bids, until one is accepted or all are rejected
- Correspondence with a private individual
- Records containing information of a personal nature where disclosure would constitute an unwarranted invasion of privacy

Your Right to Request Records

KORA grants the public the following rights:

- The right to have a freedom of information officer respond to your questions about KORA.
- The right to be informed of the procedures you must follow in requesting access to, or copies of, our records.
- The right to inspect any public record that we have in our possession that is not exempt. We are not required to create a record for you if the record does not already exist.
- The right to have copies of public records, but we can charge a fee for making copies.
- The right to inspect or obtain copies of our records during regular business hours.
- The right to have access to a record not later than three business days after you request it.
- The right to a written explanation of the reason we are denying you access to a record if we refuse to allow access to a record.
- The right to bring an action against us in the district court if you believe we are denying you access to a record you have a right to see.
- The right to have your attorney's fees paid by us if the court determines we intentionally violated your rights under KORA and had no reasonable basis for denying your request.

USD 383 Responsibilities

Public schools have several responsibilities under KORA. We must:

- Appoint a freedom of information officer who can answer your questions and settle disputes under KORA. Contact Michele Jones, USD 383 Freedom of Information Officer, at (785) 587-2000.
- Make facilities available to you for inspecting our records.
- Allow you to make abstracts or have copies of our records made. Our charge is 10 cents per page, prepaid, if more than 25 total pages are requested. If you request information on a disk, you will be charged \$1.00 for a disk. You will be charge \$5.00 for a copy of a Board of Education meeting recording.
- Adopt procedures for requesting access or obtaining copies of our records.
- Act upon requests for records as soon as possible or give you an explanation of the reason for the delay. If there will be a delay, we must tell you the earliest time and place at which the record you are seeking will be made available, but not longer than three business days from the date of the request.
- Have a records custodian available during all regular business hours, and have procedures for allowing access on business days when regular office hours are not maintained.
- Remove exempt information and provide you with the remainder of the record if the record contains both exempt and nonexempt material.
- Provide you with a written statement, citing the specific provision of the law under which we are denying you access to a record and you ask for an explanation. The statement must be provided within three business days after you request it.

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