Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 6-08-00

Originating Office: Workforce Services

Subject: Open Records Policy

Issued: July 20, 2016

Revised: July 12, 2016

Program: All workforce programs administered by the Kansas Department of Commerce.

Purpose: To transmit state policy and guidance regarding the requirements of the Kansas Open Records Act as it relates to workforce programs administered by the Kansas Department of Commerce.

Reference: Kansas Open Records Act, K.S.A. 45-215 through 45-223.

Background: The Kansas Open Records Act requires that "public records shall be open for inspection by any person unless otherwise provided, and this act shall be liberally construed and applied to promote such policy."

Action: Make this policy available to all interested parties.

Contact: Questions and requests for records should be directed to Robert North, Chief Attorney, (785) 296-6004, TTY: (785) 296-3487, or e-mail Robert.North@ks.gov

Attachment: None.

Open Records Policy

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Open Records Policy

Background

The Kansas Open Records Act requires that "public records shall be open for inspection by any person unless otherwise provided, and this Act shall be liberally construed and applied to promote such policy." The procedures contained in this policy will be used to guide the requirements of the Kansas Open Records Act as it relates to workforce programs administered by the Kansas Department of Commerce (Commerce).

Requesting a Record

Requests for public records related to workforce programs administered by Commerce should be directed to the following individual:

Kansas Department of Commerce
Robert North
Chief Attorney
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
(785) 296-6004
E-mail: robert.north@ks.gov

To expedite the process, the requestor should make the request as specific as possible, including a description of the record being sought (written, photographic, or computerized). The requestor may be asked to submit the request in writing, but not in any particular form. Records must be produced within three business days from the time the request is received. If the request is delayed or denied, a written explanation must be provided within those three days.

Types of Records Available

Most records maintained by public entities are open for public inspection and copying. Records commonly requested include, but are not limited to the following:

1. Agency budget documents
2. Minutes/Records of open meetings
3. Policies
4. Regulations
5. Salaries of public officials
6. Statutes

Rights and Responsibilities

Persons requesting copies of public records have the following rights:

1. To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
2. To obtain a copy of this policy governing public records.
3. To request assistance from the Kansas Department of Commerce, Cheif Attorney.
4. To receive a written response within three business days. The response may inform the requestor that it will take additional time to produce the records. The reasons for the delay may include voluminous records, complicated request parameters, unresolved legal issues, or difficulty in accessing archived records. The response may deny the request in whole or in part. If the request is denied, the records to be denied will be generally identified and the specific legal authority cited for the denial.
5. To bring a private lawsuit or to file a complaint with the Kansas Attorney General's Office if the requestor believes they have been wrongfully denied records.

Persons requesting copies of public records have the following responsibilities:

1. Requestor must describe the type of records being sought (written, photographic, or computerized). The Kansas Open Records Act does not require the Kansas Department of Commerce to answer questions about the records or prepare reports.
2. Requestor may be asked to put the request in writing and provide proof of identity.
3. Requestor will be charged a reasonable fee (not to exceed actual costs) for access to records, copies of records, and staff time for processing the request. The fee schedule is as follows:

Search and Supervision Fees	$5.00/quarter hour secretary/clerk $10.00/quarter hour professional staff
Copying Fee	$.25/single side page
Computer Time (Time will be charged if an existing computer applications cannot fulfill the request and additional programming must be developed)	$50.00/hour
Computer Printing	$.25/single side page

NOTE: To facilitate access to public records, charges under $5.00 will not be billed. Pre-payment is required for all charges over $50.00.

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 the following:

1. Criminal investigation records
2. Medical treatment records
3. Notes and preliminary drafts
4. Public employees personnel information
5. Records closed by the rules of evidence
6. Records containing personal information compiled for census purposes
7. Records protected by attorney/client privilege

A list of additional exemptions can be found in K.S.A. 45-221. Kansas Department of Commerce is only required to provide public records that already exist. There is no requirement that the agency create a record upon request.

Conditions for Denying a Request

Although every effort will be made to provide the record(s) requested, it is not always possible to fulfill the request. There are a number of reasons that a request may be denied, including the following:

1. Record does not exist.
2. Record requested is not maintained at the location where the request was made.
3. Request is unclear or is vague (the request may be resubmitted).
4. Record requested is closed under the exceptions listed at K.S.A. 45-221 or case law in this area.