

CN Public Records

CN

(See BE, CAN, ECA, IDEA,II, HAI, JGGA, and JR et seq.)

The district shall provide efficient and timely access to public records, as required by law, in response to applications for inspection of public records. The district shall provide assistance and information upon request, while protecting public records from damage and disorganization and preventing excessive disruption of the district's essential functions.

The following information pertaining to public records shall be made available on the district's website, and shall be provided to any person upon request:

- A. The location of district offices and their regular office hours;
- B. The title and address of the official custodian of district records and of any other custodian who is ordinarily available to act on requests made at the location where the information is located;
- C. The fees charged for access to and copies of public records; and
- D. Procedures to be followed in requesting access to and obtaining copies of public records.

The district shall, to the extent required by law, permit any individual to inspect and copy public records upon appropriate written request.

However, the District shall protect records that are exempt from disclosure under Kansas law and shall not allow them to be inspected or copied.

The official custodian of district records shall be the superintendent, who in turn may designate other personnel of the district to carry out custodial duties with respect to specific categories of records.

The definitions used in the Kansas Open Records Act shall apply to the district.

Freedom of Information Officer

- A. The board shall annually appoint a district freedom of information officer.
- B. The freedom of information officer, or designee, shall:
 - 1. Prepare and provide educational materials and information concerning the Kansas Open Records Act (the “Act”);
 - 2. Be available to assist the district and members of the public in resolving disputes relating to the Act; and
 - 3. Respond to inquiries relating to the act.
- C. An informational brochure shall be displayed, distributed, or otherwise made available to the public explaining the Kansas Open Records Act.

Procedures

- A. Requests
 - 1. The district shall require a written request for inspection of public records and/or photocopies of public records. That request may be submitted electronically.
 - 2. A request to inspect public records form shall be provided, but its use shall not be required.
 - 3. The written request shall be sent to the superintendent, Gardner-Edgerton Unified School District #231, P.O. Box 97, Gardner, KS 66030, or by email to the Clerk of the Board.
 - 4. The request must contain the name and address of the person making the request, enough information to enable the custodian to determine which records are being requested, and any information

needed to establish the requester's right of access to the records, in those situations where records are exempt from disclosure except to certain persons. The custodian may require proof of identity of the person requesting the records.

B. Response to Requests

1. Each request for access to a public record must be acted on as soon as possible, but no later than the end of the third business day following the date that the request was received. This does not necessarily mean that the records themselves will be made available for inspection within that time, if the records cannot be reasonably gathered within that time.
2. If access to public records is not granted by the end of the third business day following the date the request was received, the custodian must give a detailed explanation of the cause of further delay and the place, earliest time, and date that the records will be available for inspection. The explanation shall be written.
3. If a request for access is denied, the custodian must provide, upon request, a written statement of the grounds for the denial. Such statement must cite the specific provision or provisions of the law under which access is denied and must be furnished to the requester not later than the third business day following the date that the request for a statement of reasons was received.
4. The custodian may refuse to provide access to a public record or to permit inspection if a request places an unreasonable burden on the district in producing public records or if the custodian has reason

to believe that repeated requests are intended to disrupt other essential functions of the district. The district must bear the burden of proving that a request places an unreasonable burden, or that repeated requests are intended to disrupt other essential functions of the district. If the requester disagrees with the explanation for denial, the freedom of information officer shall settle the dispute.

5. No person shall be permitted to remove original copies of public records from district offices without the written permission of the custodian.

Fees

- A. The district reserves the right to establish and charge fees for providing access to and making photocopies of public records, which shall include the cost of staff time required to make the information available. In cases where redaction of public records is required due to certain information in a record being exempt from disclosure, the person requesting the records must also pay for the cost of staff time needed to effect the redactions. In cases where the district's legal counsel must effect redactions (because, for instance, certain information in a record is subject to the attorney-client privilege, and only licensed attorneys can determine what information is privileged), the district reserves the right to require a requester to pay for the cost of the attorney's time in redacting the records. In all instances in which staff time is included in a fee to be charged, the district may charge no more than the fully-loaded hourly rate for the lowest-paid

employee possessing the skills necessary to make the information available, even if the work is in fact done by a more highly-paid employee.

- B. Before any records are searched or copied, the requester shall be advised in writing of the estimated fees to fulfill the request, and must pay the estimated fee, before any further action is taken on the request. In some circumstances, it may be necessary to provide and receive payment of one estimate for accessing the requested records, and then a second estimate for the cost of redacting the records once their volume and contents are known. Upon payment of the applicable estimate, the district shall then act on the request as soon as is reasonably possible, notifying the requester of the anticipated date and time when the records will be available if more than three business days after the request is received. If the actual cost varies from the estimate, the district shall promptly refund the difference, or the requester must pay the difference, prior to receiving copies of the records.
- C. When it is necessary to use non-district facilities for copying, the costs must be paid in advance by the person desiring a copy of the records. In addition, the district may charge the same fee for services rendered in supervising the copying of records at another facility as it charges for furnishing copies made at district facilities.
- D. Fees for providing access to public records maintained by computer may vary; but they may include only the cost of the computer services, including required staff time.

E. All money received from fees pursuant to the Kansas Open Records Act must be remitted to the treasurer of the district at least monthly.

Those receipts shall be credited to the general fund of the district, unless otherwise specifically provided by law.

Other Provisions

A. Except as specifically provided by law, no person shall be entitled to sell, purchase, give, or receive any list of names or addresses contained in or derived from public records for the purpose of selling property or services to persons listed therein.

B. The superintendent shall have the authority to designate custodians of public records.

C. Nothing in this policy authorizes disposition, retention, or alteration of public records other than as permitted by law.

Approved: 7/24/17

KASB Recommendation – 6/00; 01/02; 4/07; 6/07; 4/16