


<b>SUBJECT</b> Open Public Records Policy		<b>APPLIES TO</b> All Departments
<b>EFFECTIVE DATE</b> 9/29/2022	<b>REVISED DATE</b>	<b>NEXT REVIEW DATE</b> May 2025
<b>APPROVED BY</b> City Manager 	<b>TOTAL PAGES</b> 4	<b>POLICY NUMBER</b> 136

## 1.0 Purpose

To establish procedures and practices for the access to, or copies of, open public records in the possession of the City pursuant to the Kansas Open Records Act of 1984 ("KORA"), codified as amended at K.S.A. 45-215 *et. seq.* This policy is intended to be consistent with KORA, which should be referenced in the event there is any question not directly addressed by this policy.

## 2.0 Policy

- A. It is hereby declared to be the policy of the City of Lawrence that all public records, as such term is defined by KORA, which are made, maintained, kept by, or are in the possession of the City, its officials, and employees, shall be open for public access as provided by, and subject to the restrictions imposed by KORA.
- B. Upon request, in accordance with the procedures adopted under KORA and this policy, any person shall have access to such open public records for the purpose of inspecting, abstracting or copying such records.
- C. The Local Freedom of Information Officer and Records Custodians, as defined, appointed, and designated pursuant to the City's Records Management Policy, shall preserve and protect all public records from damage, disorganization and theft and shall assist, in a timely and efficient manner, any person making a request for access to any open public records.
- D. A person may access open public records any time a City office is open to the public. On any business day, Monday through Friday, when a City office does not maintain regular hours, it must designate reasonable hours for persons to access open public records.
- E. All City offices keeping and maintaining public records shall provide suitable facilities to be used by any person desiring to inspect or copy an open public record. The office of the City Clerk, being the principal record-keeper of the City and the designated Local Freedom of Information Officer, shall be the principal office for providing, inspecting, or copying open public records to the maximum extent practicable. Requesters of records shall be referred to the office of the City Clerk except when the requested records are not in that office and are available in another City office. Records Custodians have the discretion to determine an alternative procedure for providing access to records when they reasonably believe the public's health or safety may be at risk.

- F. Consistent with the duties and procedures established by KORA and this policy, the Local Freedom of Information Officer and all Records Custodians shall provide access and assistance in a timely and efficient manner to persons who request public records.
- G. Any person requesting access to a public record shall abide by the procedures as set forth herein. Such procedures shall be posted or made available in each City office keeping and maintaining public records.
- H. Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. The City shall provide one of the following responses:
  - 1. Grant access to the open public records.
  - 2. If access to the open public records cannot be granted within three business days, the Records Custodian shall give a detailed explanation of why it cannot be granted and the earliest time and date that the records can be accessed.
  - 3. Deny the request.
    - a. The Records Custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied.
    - b. The Records Custodian, after consultation with the Local Freedom of Information Officer, may deny a records request if it places an unreasonable burden on the City in producing the open public records; or, if the Records Custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the City.

When a record contains both material with release restrictions and material that is not subject to release restrictions, the restricted material shall be separated, deleted or redacted and the unrestricted material released (K.S.A. 45-221(d)).

### **3.0 Local Freedom of Information Officer**

- A. As the Local Freedom of Information Officer, the City Clerk, or designee, shall:
  - 1. Prepare and provide educational materials, information, and annual training for the designated Records Custodians concerning KORA.
  - 2. Be available to assist the City and members of the general public to resolve disputes relating to KORA.
  - 3. Respond to inquiries relating to KORA.
  - 4. Oversee the development and availability of open records brochures as required by KORA.

### **4.0 Official Records Custodians**

Each City department shall have a designated Official Records Custodian as outlined in the City's Records Management Policy. The Official Records Custodian, and any employees designated to serve as Records Custodians, shall oversee the department's compliance with KORA and ensure that all employees within that department are adequately trained on the City's obligations, including:

- A. Providing access to open public records.
- B. Making reasonable efforts to protect public records from damage, disorganization, and theft.
- C. Providing assistance and information upon request.
- D. Ensuring efficient and timely response to all applications for access to public records.
- E. Preventing excessive disruption of the essential functions of the City.
- F. Carrying out the intent of this policy pursuant to KORA.

## **5.0 Procedures Regarding Access to Open Public Records**

- A. All persons seeking access to or copies of a public record in accordance with the provisions of KORA, shall direct their requests to the Official Records Custodian charged with responsibility for the maintenance of the records sought. Whenever any City officer or employee, appointed or designated as a Records Custodian, is presented with a request for access to a public record which the Records Custodian does not have in their possession, and for which they have not been given responsibility to keep or maintain, they shall direct the request to the Local Freedom of Information Officer.
- B. Records Custodians shall require persons requesting access to open public records to make such request in writing\*. Written requests shall only include the following information:
  - 1. the requester's name
  - 2. the requester's address
  - 3. the necessary information to identify the record being requested
  - 4. certification that the requestor will not use names and addresses obtained from the requested record to solicit sales and services

*\*Such written requests cannot be required in a particular format.*

In instances where the requester cannot provide sufficient information to identify a record, the Records Custodian shall make reasonable effort to assist in making such identification. Records Custodians may demand reasonable identification of any person requesting a record. The Records Custodians shall not deny, delay or return any request because of any technicality.

- C. Records Custodians shall notify the record requester, prior to commencing the search of the record, of the estimated fee when such estimate exceeds \$50.00.
- D. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the Records Custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such record.
- E. All inspection and copying of open public records shall be performed by, or under the supervision of, the Records Custodian or designee responsible for such records.

- F. Removal of open public records from the office where the records are kept and maintained, for purposes of inspection and making of copies, shall be permitted only with the written permission of the Local Freedom of Information Officer. A deposit may be required.
- G. The procedures for accessing open public records shall be posted in a conspicuous place in the office of each Records Custodian.
- H. Each Records Custodian shall maintain the written requests for access to open public records in accordance with Section 5.0 of the City's Records Management Policy No. 135.
- I. For security purposes, the City will not allow any individual to make copies by inserting any type of remote equipment or device into the City's computer network.

## **6.0 Fees**

The City shall prescribe reasonable fees for providing access to or furnishing copies of open public records. Fees are due at the time the records are provided to the requester, unless the record is identified by the Records Custodian as requiring prepayment. All fees collected under this policy shall be deposited in the general fund (K.S.A. 45-219(e)).

- A. Access and Copy fees are outlined in the Open Records Fee Schedule, affixed hereto as Appendix A and incorporated by reference.
  - 1. Where a request has been made for access to a public record, there shall be a fee charged to the requester as provided by KORA. The fees shall not exceed the actual cost of providing access to or copies of open public records.
  - 2. All fees charged for access to, or copies of records shall include the cost of staff time required to make the records available.
  - 3. Fees shall include the cost of any computer services.
  - 4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for current free public distribution and remain available.
  - 5. No fee will be assessed when a denial of a request is made.
- B. Records Custodians may exercise their discretion to reduce or waive any fee for providing access to or copies of open public records when such is in the public interest.
- C. Records Custodians may produce a fee schedule for commonly accessed records as long as the fee does not exceed the actual cost of producing the record. The fee schedule shall be reviewed biennially.
- D. Records Custodians may determine and assess a charge covering mailing and handling costs accrued in responding to requests through the mail service.
- E. Access and Copy fees shall not be assessed against officers or employees of the City who make requests that are reasonably necessary to the performance of their official duties.

## Appendix A: Open Records Fee Schedule

### FLAT FEES FOR CERTAIN RECORDS

CLERK'S OFFICE RECORDS	
Contracts (electronic copy)	\$5.00*
<i>*Base fee is \$5.00. If research to locate or review contract requires more than 15 minutes of staff time, additional fees may apply.</i>	
FIRE DEPARTMENT RECORDS	
Incident Reports	\$5.00 minimum
Patient Reports	\$5.00 minimum
Investigation Report	\$25.00 minimum
Property File Records (Inspections; Permits for underground storage tanks; use, storage, or release of hazardous materials/waste)	\$10.00
PLANNING/BUILDING CODE RECORDS	
Copy of Plan, Master PUD, CUP, or Site Plan	\$15.00
Building Code Violations	\$10.00
Zoning Code Violations	\$10.00
Certificates of Occupancy	\$10.00 per building
Building Permits	\$10.00 per building
Inspection Reports	\$10.00 per building
Licenses	\$5.00
Certificates of Insurance	\$5.00
Environmental Site Assessment	\$50.00
Zoning Letter	\$25.00 per parcel/address
Zoning Certification Application	\$250.00 per parcel/address
POLICE DEPARTMENT RECORDS	
Copy of video (dash camera, traffic camera)	\$25.00
Reports (Accident, Incident, Intoxilyzer)	\$5.00 minimum
COURT RECORDS	
Case Files	\$5.00 minimum

### STAFF TIME FOR INSPECTION, RESEARCH, REVIEW AND/ OR PRODUCTION

Administrative	\$25.00/per hour
Specialist	\$35.00/per hour
Professional	\$45.00/per hour
Legal	\$50.00/per hour

### COPIES AND OTHER FORMATS

Copies (black and white) <i>*color copies will have an additional charge of \$0.50 per page</i>	\$5.00 for the first 5 pages; \$0.25 for additional pages
CD/DVD/USB	\$5.00
Postage	Actual cost
Certification	\$1.00

