


SUBJECT Open Public Records Policy		APPLIES TO All Departments
EFFECTIVE DATE	REVISED DATE October 2025	NEXT REVIEW DATE May 2025
APPROVED BY City Manager 	TOTAL PAGES 4	POLICY NUMBER 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 shall 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 requesting 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 will 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 the 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

provide 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. 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.
- B. All fees charged for access to, or copies of records shall include the cost of staff time required to make the records available.
- C. Fees shall include the cost of any computer services.
- D. The cost assessed to requesters for copies of computer "floppy" discs, photographs, videotapes, DVDs, compact discs, and similar items shall be the actual cost of such items.
- E. Fees shall include the cost of mailing and handling accrued in responding to requests through the mail service.
- F. No copy fee shall be assessed when multiple copies of the record requested have been prepared for current free public distribution and remain available.
- G. No fee will be assessed when a denial of a request is made.
- H. 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.
- I. Access and Copy fees shall not be assessed against officers or employees of the City who make requests that are reasonably necessary for the performance of their official duties.

7.0 Fee Estimates.

- A. The City will provide an estimate of fees to be charged prior to providing records. Fees charged may fall short of or exceed the estimate. Any overage or underage in the prepayment shall be settled prior to inspection of the requested records or delivery of the requested copies. Upon request, the City shall provide the requester with an itemized statement of costs. Such itemized statement should include the hourly rates charged for the lowest cost category of employee involved in making the requested records available and an itemized list of any other fees charged to provide access to or furnish copies of the requested records.
- B. When staff time needed to respond to a request will exceed five hours or the estimated actual cost for staff time needed to fill the request exceeds \$200, the City shall make reasonable efforts to contact the requester and engage in interactive communication about mitigating costs to fill the request. The City is not obligated to mitigate costs. If the City has made reasonable efforts to contact the requester and the requester has failed to respond to the City's offer to mitigate costs by the end of the third business day, the records request will be deemed to be withdrawn until a subsequent contact has been made by the requester to the City.