

# K-STATE OLATHE INNOVATION CAMPUS, INC.

## POLICIES AND PROCEDURES

### Policy 103.

Adopted: \_\_\_\_\_

### Compliance with Kansas Open Records Act

#### **.010 Introduction**

The Open Records Act, K.S.A. 45-215, et seq., as amended, declares that it is the public policy of Kansas that “public records shall be open for inspection by any person.” Public records are defined as “any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency.” **K-State Olathe Innovation Campus, Inc. (K-State Olathe)** is classified as a public agency for the purposes of this Act.

#### **.020 General Information**

1. Principle Office:

The principle office **K-State Olathe is at 22201 W. Innovation Dr., Olathe, Kansas 66061 or such other office as may be designated by K-State Olathe’s board of directors. The telephone number is 913-541-1220. The fax number is 913-541-1488.**

2. Regular Office Hours:

Regular office hours on all business days, excluding Saturday, Sunday, and official holidays, are from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m. Records may be inspected during those hours.

3. Designated Records Custodian:

Requests for inspection or copying of public records may be made in writing (including submission by facsimile, but not e-mail) through the designated custodian, **Terri Bogina, at K-State Olathe's principal office.**

4. Freedom of Information Officer:

Terri Bogina is **K-State Olathe's** Freedom of Information Officer. She assists in resolving disputes under the act and responds to inquiries regarding the act.

5. Charges and Fees:

Fees shall be charged for the provision of access to and the copying of public records. Fees for copies shall equal the actual cost of furnishing copies, including the cost of staff time required to make them or supervise the copying, including confidentiality, privilege,

and open-closed redaction review. Fees for providing access to computer records shall include the cost of computer services, including staff time required.

In accordance with this provision and the Kansas Open Records Act, K.S.A. 45-215 et seq., fees may be charged for providing access to or furnishing copies of public records. Standard charges include:

Non-Certified Copy	\$ .25 per page
Addition for Certified Copy	\$1.25 per page
Addition for Mailing (single letter weight)	Postage at Cost
Fax (outgoing only)	\$1.25 per page
Access/Inspection	\$25.00 per hour
Research/Programming Time & Labor	At Cost
Confidentiality/Privilege/Open-closed Redaction Review	\$50.00 per hour

Any costs incurred by K-State Olathe should be assessed to the requester.

### **.030 Procedures**

1. No original public records shall be removed from the custody of K-State Olathe without the written permission of the official custodian
2. Each request for access to public records shall be acted upon as soon as possible, but not later than the end of the third business day following the date the request is received.
  - A. If access to the public record is not granted immediately, the official custodian or her designee shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection.
  - B. If a request is denied, the official custodian or her designee shall, upon request, provide a written statement of the grounds for the denial and shall cite the specific provision of law under which access is denied. Said written statement shall be furnished to the individual or firm making the request no later than the end of the third business day following the date that the request for the statement was received, unless further clarification from the requester, prepayment, and/or a prohibition against solicitation certification are required.
3. The request for inspection or copying of public records shall be in writing (including submission by facsimile, but not e-mail), and the requester shall be required to furnish only his or her name and address, proof of identity, if necessary, and the information needed to ascertain the records desired. When a designated custodian furnishes copies of public records, charges for the service shall be collected in advance.

4. Copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices shall not be required to be furnished unless such items or devices were shown or played to a public meeting of **the Johnson County Education Research Triangle, Kansas Board of Regents, or other** public body.
5. Copies of public records shall be made while the records are in the possession, custody and control of a designated custodian and shall be made under the supervision of the custodian.
6. All charges or fees shall be paid by certified check or money order made payable to "**K-State Olathe Innovation Campus, Inc.**" and should be sent to the appropriate designated custodian.
7. A designated custodian may consult with K-State Olathe counsel when in doubt as to whether a specific record falls under the provisions of the Open Records Act.

#### **.040 Reasons For Denying Access To Public Records**

1. Permission to inspect or copy public records may be denied if (1) the request "places an unreasonable burden in producing public records" or (2) the custodian of the records "has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency." As mentioned above, denial of a person's inspection or copying request must be explained in writing if the person requests such an explanation.
2. The Open Records Act provides that, unless otherwise required by law, certain records need not be disclosed. Note in particular, however, that nothing in the Open Records Act supersedes federal law, including the Family Educational Rights and Privacy Act ("FERPA").
3. Records exempted by the Act from mandatory disclosure include:
  - Records protected from disclosure by state or federal law;
  - Records which are privileged under the rules of evidence;
  - Medical, psychiatric, psychological, or alcoholism or drug dependency treatment records which pertain.
  - Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment (this exemption does not apply to the names, positions, salaries and length of service of Kansas State University employees);
  - Information revealing the identity of any undercover agent or any informant reporting a specific violation of law;
  - Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual;

- Library, archive and museum materials contributed by private persons, to the extent of any limitation imposed as a condition of the contribution;
- Information revealing the identity of a donor, if the gift was given anonymously;
- Testing and examination materials, before the test is to be given or if it is to be given again;
- Records of individual test scores;
- Criminal investigation records, unless disclosure is ordered by the District Court;
- Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent;
- Records of emergency or security information or procedures of K-State Olathe, or plans, drawings, specifications or related information for any building or facility, if disclosure would jeopardize security of the public agency, building or facility;
- Contents of appraisals of engineering, feasibility estimates or evaluations relative to the acquisition of property by a public agency, prior to the award of formal contracts;
- Most correspondence between a public agency and a private individual;
- Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under the Kansas Open Meetings Act;
- Computer software programs (this exemption does not include records concerning what information the agency maintains on computer facilities or the form in which the information can be made available);
- Applications and other information submitted in connection with applications for student financial aid;
- Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person;
- Well samples, logs or surveys required by the Kansas Corporation Commission for the drilling of discovery or production of oil or gas;
- Notes, preliminary drafts, research data not yet fully analyzed, unfunded grant proposals, memos, recommendations, or other records in which opinions are expressed or policies or actions are proposed (this exception does not apply if those opinions or policies were publicly cited or identified in an open meeting);

- Records of a public agency having legislative powers, which records pertain to proposed legislation or to research prepared by one or more members of such agency (this exception would not apply to K-State Olathe);
- Library patron and circulation records pertinent to identifiable individuals;
- Census or research records pertaining to identifiable individuals;
- Records which represent and constitute the work product of an attorney;
- Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service;
- Specifications for competitive bidding, until the specifications are officially approved;
- Sealed bids until a bid is accepted or all bids are rejected;
- Correctional records pertaining to an identifiable inmate;
- Public records containing information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Public records pertaining to the prospective location of a business or industry (this exception does not apply if there is previous public disclosure of a business' or industry's interest in locating within the state);
- Engineering and architectural estimates made by or for any public agency relative to public improvements;
- Financial information submitted by contractors in qualification statements to any public agency;
- Records involved in the obtaining and processing of intellectual property rights that are, or are expected to be, wholly or partially vested in or owned by Kansas State University, the KSU Research Foundation, or K-State Olathe.
- Reports or records of medical care facilities and health care providers which are privileged under Kansas law;
- Information which would reveal the precise location of an archeological site;
- Any financial data or traffic information from a railroad company to a public agency concerning the sale, lease or rehabilitation of the railroad's property in Kansas;
- Certain reports filed with the State Insurance Commission;
- Records closed by a tribal-state gaming compact;
- Market research, business plans and contracts of the K.U. Medical Center pertaining to its hospital.

4. If a record is only partially exempted from disclosure, the designated record custodian shall delete the exempted materials and make available the material that is subject to disclosure. Records which are exempt because they pertain to an identifiable individual are subject to disclosure if deletion of the identifying portions of the records is possible.

5. Public records more than 70 years old are open for inspection without regard to the above-listed exemptions. Disclosure of such records is prohibited only if federal or state law so provides.

#### **.050 Penalties**

Kansas district courts can enforce this Act in an action brought by any person, the attorney general or a county or district attorney. The attorney general or county attorney is empowered to subpoena witnesses and documents to investigate alleged violations of the act. In an action to enforce the provisions of the Act, the prevailing party may be awarded attorney fees upon a finding that the other party acted in bad faith and without a reasonable basis in fact or law. A civil penalty of up to \$500 is imposed on any agency which knowingly violates the act or intentionally fails to furnish records as required by the act.

#### **.060 Questions**

Questions relating to the information in this chapter should be directed to the **designated records custodian for K-State Olathe**.