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, but not limited to:
- Personnel records of public employees
- Medical treatment records
- Records closed by the rules of evidence
- Records protected by attorney/client privilege
- Records containing personal information compiled for census purposes
- Notes and preliminary drafts
- Criminal investigation records

A list of exceptions can be found in K.S.A. 45-221, but other state and federal statutes may also restrict access to certain records. One pertinent example is the Family Educational Rights and Privacy Act (FERPA) (also known as the Buckley Amendment) which protects student records. Nothing in the Open Records Act supersedes federal law, including FERPA.

ESU is only required to provide public records that already exist. There is no requirement for the University to create a record on request. KORA does not require an agency to answer questions or prepare reports.

If a record is only partially exempted from disclosure, the designated record custodian shall delete the exempted materials and make available the materials subject to disclosure. Records that are exempt because they pertain to an identifiable individual are subject to disclosure if deletion of the identifying portions of the records is possible. Most public records more than 70 years old are open for inspection unless disclosure is otherwise prohibited under federal or state law.

Additional information
Additional information can be obtained at:
http://www.accesskansas.org/ksag/OPEN/KORA.htm
If you have questions about the Act or Emporia State University's policies under it, contact the Freedom of Information Officer, Mr. Ray Hauke at (620) 341-5173.
The Kansas Open Records Act

The Kansas Open Records Act grants you the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. The Open Records Act (KORA), 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.” Emporia State University is a public agency for the purposes of this Act.

Examples of public records maintained by Emporia State University:

- Policies, Minutes/records of open meetings
- Salaries of public officials, Agency budget documents
- Agency for the purposes of this Act.

Your rights

1) You have the right to request assistance from the agency’s Freedom of Information Officer at any time.
2) To obtain a copy of the agency’s policies and procedures for access to records.
3) To receive a response to your request within three business days of the date the request was received. The response may inform you that it will take additional time to produce the records.
4) To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
5) To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

Requesting a record

Requests to Emporia State University for access to or copies of public records under the Kansas Open Records Act must be made in accordance with the following guidelines:

Mail your record request(s) to:

Tracy Greene, Official Custodian of Records
Office of General Counsel
Emporia State University
1200 Commercial St., Box 4001
Emporia, KS 66801
Fax: (620) 341-5553
E-mail: KORA@emporia.edu with the subject line: “Open Records Request”

Requests for access to or copies of public records must:
- Be in written form
- Include the name and address of person requesting the information
- A specific description of records being requested. Request should be as specific as possible to expedite the process.

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

A list of names and addresses in public records will not be used to solicit the purchase of service or property.

Delayed and/or denied requests

All efforts will be made to process your request for public records as soon as it is received; however, some requests may be delayed or denied if: More information is needed in order to retrieve the records; legal issues must be addressed before the records are released; the requested records are archived or stored off site; or the volume of records requested is large and will take time to duplicate.

Requests may be denied in whole or in part if: The requested record does not exist; the requested record is exempt from disclosure by law; or the request is unclear and more information is needed.

If the request is delayed or denied, you will be sent a written explanation for the delay or denial within three days of the date your request was received. Requests are received during regular business hours and days as described herein and requests received after regular business hours and days are considered received the next official business day. You may be requested to provide additional information if access to public records or the purpose for which the records are to be used is limited by state law.

Permission to inspect or copy public records may be denied if: The request “places an unreasonable burden in producing public records”; or the custodian of the records “has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency.” Denial of a person’s inspection or copying request must be explained in writing if the person requests such an explanation.

Copies of radio or recording tapes or disks, 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 Emporia State University or other public body.

Charges and fees

Fees shall be charged in advance for the provision of access to and the copying of public records and proof of identity shall be required. Fees for copies shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make them or supervise the copying. 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., the following fees shall be charged for providing access to or furnishing copies of public records:

- Staff time in providing records/access to/inspection of records:
  - Printed records: $20.00/hr.
  - Computerized records retrieval and queries: $35.00/hr.
  - Confidentiality/Privilege/Open-closed redaction review: $40.00/hr.
- Non-Certified copies of records: $0.25/pg.
- Certified copies of records: $1.25/pg.
- Copies produced by outside vendor – actual cost
- Mailing of record – actual cost
- Fax (outgoing U.S. FAX only): $0.90/pg.
- Additional fees; any other costs actually incurred by the university as a result of complying with a record request may be charged to the requester

Fees charges must be paid prior to access to or distribution of copies of records. Exception to fee charges may be made upon a de minimis impact determination. Records shall remain in the possession and control of ESU during inspection/duplication.