

Policy: 1.14

Open Records Request

Purpose: To provide guidance to individuals or entities that request public record information from Kansas City Kansas Community College (KCKCC).

Policy Statement

KCKCC Open Records Request Policy is written in agreement with the right to request public records under *The Kansas Open Records Act, K.S.A. 45-215 et seq* (herein, "KORA" or "The Kansas Open Records Act").

1. All public records, as defined in KORA shall be open to the public for their inspection or copying. Those records exempted from public inspection and copying by state or federal law shall not be made available.
2. All records of KCKCC shall be open to public inspection in accordance with the language and provisions KORA, except (1) any records, student, personnel, or otherwise, required to be kept confidential under Kansas or federal law, or; (2) any records otherwise specifically exempt from disclosure.
3. All requests for access to a public record must be in writing or via electronic mail (email), and the three-day period in which KCKCC is required to respond in accordance with The Kansas Open Records Act shall begin upon receipt of the request. Delays in requests may occur as allowed by KORA.
4. All public records shall be housed, either in physical or digital form, at 7250 State Ave, Kansas City, KS 66112 or on such systems as designated by the president, or designee of the college.
5. The board of trustees designates the president of KCKCC as custodian of the college's records. The president may authorize a designee or designees to establish appropriate administrative rules and procedures under which such public records may be inspected and reproduced in accordance with the Act. All requests for inspection and copying of public records must be submitted to the director of institutional effectiveness at 7250 State Ave, Kansas City, KS 66112 c/o: Director of Institutional Effectiveness
6. No original public record shall be removed from the custody of the official custodian without the written permission of the official custodian.
7. 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 on which the request is received in writing, in accordance with number three (3) above.

Responsibilities of Kansas City Kansas Community College

1. KORA requires KCKCC to provide public records that already exist. There is no requirement for KCKCC to create a record upon request.
2. If KCKCC takes longer than three business days to act on a request, the requestor will receive notification from KCKCC explaining that it will take additional time to produce the records. Reasons for additional time may include, but are not limited to, voluminous records, complicated request parameters, unresolved legal issues or difficulty in accessing archived records.
3. A request may be denied in whole or in part. If the request is denied, KCKCC will identify generally the records denied, and the specific legal authority for the denial.

Exceptions to the Kansas Open Records Act

KORA recognizes that certain records contain private or privileged information, and the College is not required to provide access to those records. The KORA lists several exceptions including, but not limited to, the following:

- Personal information of public employees
- Medical treatment records
- Records protected by attorney-client privilege
- Records closed by the rules of evidence
- Records containing personal information compiled for census purposes
- Notes and preliminary drafts
- Criminal investigations

Recipient's responsibilities upon receipt of a Public Record

Except for the limited purposes set forth in K.S.A. 45-230(a) (1) through (a)(6), a person receiving public records may not:

1. Knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records contained on this site; and
2. Use any information obtained from this site for any unlawful purpose (civil or criminal) whatsoever.

Fees

Fees shall be charged for the retrieval, review, and production of public records commensurate with the actual costs in College employee time and resources. The following fee rates are established by KCKCC, with payment of total estimated fees required by check or money order in advance of records production:

- Manager rate for retrieval and/or review: \$50.48 per hour
- Staff rate for retrieval and/or assembly to produce: \$37.37 per hour
- Digital transmission or mailing fee: Actual Cost to KCKCC

If the actual cost in time and resources exceeds the fee estimate, the requestor will be informed of the additional cost prior to the request being completed. If the requestor approves the additional cost, the requestor will be billed for the balance of fees incurred, with full payment required before records production. If the actual cost is less than the fee estimate, the requestor will be refunded. Request for a fee waiver must be approved by the President or their designee.

The Solomon Amendment

Under the provisions of the Solomon Amendment (32 C.F.R. 216), KCKCC is required to provide "student recruitment information" upon request to representatives of the Department of Defense for military recruiting purposes. This information includes student name, address, telephone number, date of birth, level of education or degrees received, major and the most recent previous educational institution in which the student was enrolled. Fees as provided under KORA shall apply to these requests. The request for public records must be in writing using the Open Records Request form.

Board Approved: 04/21/2020