

OFFICE OF ATTORNEY GENERAL STEPHEN N. SIX
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**POLICY AND PROCEDURE
OBTAINING COPIES OF OR ACCESS TO PUBLIC RECORDS
PURSUANT TO THE KANSAS OPEN RECORDS ACT- KORA
K.S.A. 45-215 ET SEQ.**

OFFICE HOURS: 8 A.M. TO 5 P.M., Monday -Friday, except official state holidays

DESIGNATED CUSTODIAN: Michael J. Smith, Assistant Attorney General

OTHER CUSTODIANS: The Deputy Attorneys General (or directors) of each division may accept record requests for records possessed by their division. Copies of previously issued Attorney General Opinions should be requested from the Opinion Request/Mail Desk.

FEES: COPIES, 25¢ per page; MAILING, 40¢ for first 5 pages, 25¢ for additional 5 page increments; FAX, 65¢ per 10 page fax. STAFF TIME: Will be charged at the rate of pay for each person(s) whose time is used in order to assist and/or respond to a specific request. This may include the time spent to redact open from closed information. ADDITIONAL FEES: Any other costs incurred by the agency in connection with complying with a record request may be assessed to the requester.

WRITTEN REQUEST

The agency may require that requests for access to or copies of records be made in writing, in order to adequately document the request and clarify exactly what records are being sought. All requests for records shall state the requester's name, mailing address, and a contact phone number. The requester should provide detailed information about the records being requested in order to aid the staff in determining if such records exist and are possessed by the agency. Requests for records not yet in existence or documents to be created prospectively cannot be honored.

FAXING AND AIR EXPRESS DELIVERY

Generally, records may be faxed if the request is for fewer than 15 pages and fax time and facilities are readily available. If air express delivery is requested, the requester shall

arrange for pick up and packaging of the records and all associated costs for such delivery shall be paid by the requester. The record custodian has sole discretion as to whether to honor requests for faxing or express delivery.

FEES

The agency will provide an estimate of any fees to be charged prior to providing requested records. In order to assure payment, the agency reserves the right to require any estimated fee for access to or copies of public records to be paid before commencing work to gather and/or provide the records. Such fees may be waived at the discretion of the Attorney General, the Chief of Staff, or the Deputy Attorney General in charge of the division that created or is in possession of the requested records. Criteria to consider in allowing a waiver of fees shall include, but is not limited to, the volumen of records requested, the amount of time it will take to comply with the request, the difficulty or ease in complying with the request, and whether use or distribution of the records will significantly benefit the Office of Attorney General or the general public. Waiver of fees shall not be based solely upon a claim of poverty.

The 25¢ copy charge is a per-page charge, assessed to reimburse the agency for routine costs associated with retrieving, reviewing and copying requested records possessed and easily located by the agency. It does not include the cost of more than one-tenth of an hour of time necessary to locate records that are not readily accessible, to determine what specific records meet the requester's criteria, to segregate public from non-public information, to access records from archives, or other similar and necessary services. For such services connected with providing access or copies, the per hour staff time may be assessed, to be billed by the tenth of an hour.

The mail charge may be assessed in addition to the copy charge when mail service is requested. For up to and including the first five pages, 40¢ may be charged. For any additional pages, an additional 25¢ may be charged for each five page increment.

The fax charge of 65¢ per page includes the 25¢ per page copy charge for copying a record, in addition to all domestic fax transmission charges.

Requests for electronic format records. The record custodian will be the sole judge of the ability of the agency to comply with any record requests that ask for the records to be provided in electronic format or ask for records that must be produced in any special computer generated format.

Response time. The agency will act upon requests as soon as possible, with some response being made to the requester no later than the third business day following the receipt of the request. If it appears that additional time will be needed, fees will be assessed, or some of the records may be closed by law, a written response will be provided within three business days, estimating the fees and providing additional information concerning the agency's ability and plans to provide the requested records.

MONTHLY ACCESS TO OPINIONS OF THE ATTORNEY GENERAL

Copies of all official Attorney General Opinions are provided to selected media outlets, under the direction of the Attorney General's Public Information Officer. The synopses of all such opinions are published weekly in the Kansas Register. Other entities may offer access to Attorney General Opinions, but may have their own criteria for access; e.g. The State Library, Supreme Court Library, Washburn Law Library, University of Kansas Law Library, Westlaw, Lexus and the Kansas Department of Administration. Attorney General Opinions issued subsequent to 1992 may be key-word searched on www.kscourts.org/ksag. For the years from 1979 to 1993, bound volumes containing the synopses of and an index to all opinions are available for purchase from the agency.