

City of Lawrence
Administrative Policy

SUBJECT City of Lawrence Open Public Records Policy		APPLIES TO All City Departments	
EFFECTIVE DATE November 13, 2000	REVISED DATE		NEXT REVIEW DATE July 2005
APPROVED BY City Manager	TOTAL PAGES 6		POLICY NUMBER 77

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 K.S.A. 45-215 *et. seq.*, commonly referred to as the "Kansas Open Records Act" (KORA).

2.0 **Policy**

- A. It is hereby declared to be the policy of the City of Lawrence that all public records which are made, maintained or kept by or are in the possession of the City, its officials and employees, shall be open for public inspection as provided by, and subject to the restrictions imposed by, the Kansas Open Records Act (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 freedom of information officer and the record custodians appointed and designated pursuant to this 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 record.
- D. All city offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any city office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record.
- E. All city offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the City Clerk, being the principal recordkeeper of the City and the designated freedom of information officer pursuant to KORA,

shall be used as the principal office for providing access to and providing copies of open 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.

- F. Any person requesting access to an open public record for purposes of inspecting or copying such record, shall abide by the procedures adopted by the City Manager for record inspection and copying. Such procedures shall be posted or made available in each city office keeping and maintaining open public records.
- G. 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. If access to the public record is not granted immediately, the custodian 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.
- H. If the request for access is denied, the 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 and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received. A copy of the statement shall be forwarded to the freedom of information officer.
- I. The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the City.
- J. Consistent with the policy, duties and procedures established by KORA and this policy, the freedom of information officer and all city record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.

3.0 **Freedom of Information Officer designated; duties**

- A. Pursuant to KORA, the City Clerk is designated the City's freedom of information officer.
- B. As the freedom of information officer, the City Clerk shall:
 - 1. Prepare and provide educational materials and information 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 the KORA; and
 - 4. Develop and make available a brochure regarding KORA to the public.

4.0 **Appointment of Official Custodians**

The following city officers are hereby appointed as official custodians for purposes of KORA and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

City Clerk - All public records kept and maintained in the City Clerk's office and all other public records not provided for elsewhere in this section.

Chief Building Inspector - All public records not on file in the office of the Clerk and kept and maintained in the Chief Building Inspection office.

Chief of Fire and Medical Department - All public records not on file in the office of the Clerk and kept and maintained in the Fire and Medical Department.

Chief of Police - All public records not on file in the office of the Clerk and kept and maintained in the City Police Department.

City Manager - All public records not on file in the office of the Clerk and kept and maintained in the City Manager's office.

Clerk of the Municipal Court - All public records not on file in the office of the City Clerk and kept and maintained in the Municipal Court.

Director of Administrative Services – All public records not on file in the office of the Clerk and kept and maintained in the Administrative Services Department.

Director of Finance - All public records not on file in the office of the Clerk and kept and maintained in the Finance Department.

Director of Housing and Neighborhood Development - All public records not on file in the office of the Clerk and kept and maintained in the Housing and Neighborhood Development Department.

Director of Human Relations - All public records not on file in the office of the Clerk and kept and maintained Human Relations Department.

Director of Legal Services - All public records not on file in the office of the Clerk and kept and maintained in the Director of Legal Services office.

Director of Parks and Recreation - All public records not on file in the office of the Clerk and kept and maintained in the Parks and Recreation Department.

Director of Planning - All public records not on file in the office of the Clerk and kept and maintained in the City Planning Department.

Director of Public Works - All public records not on file in the office of the Clerk

and kept and maintained in the Public Works Department.

Director of Utilities - All public records not on file in the office of the Clerk and kept and maintained in the Utilities Department.

Public Transit Administrator - All public records not on file in the office of the Clerk and kept and maintained in the Public Transit Administrator's office.

5.0 **Designation of Additional Record Custodians**

- A. Each of the official custodians appointed in Section 4 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.
- B. Whenever an official custodian shall appoint another person as a record custodian he or she shall notify the City Clerk of such designation. The City Clerk shall maintain a register of all such designations.

6.0 **Duties of Custodians**

All city officers and employees appointed or designated under this policy shall: provide full access to public records, protect public records from damage, disorganization and theft; prevent excessive disruption of the essential functions of the City; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; carry out the procedures adopted by the City Manager for inspecting and copying open public records; and carry out the intent of this policy pursuant to KORA.

7.0 **Procedures Regarding Inspection and Copying of Open Public Records**

- A. All persons seeking access to, or copies of, an open public record in accordance with the provisions of KORA, shall direct their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied. Whenever any city officer or employee appointed or designated as a custodian under this policy is presented with a request for access to, or copy of, a public record which the record custodian does not have in his or her possession and for which he or she has not been given responsibility to keep or maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known to or readily ascertainable by the custodian receiving the request. If unknown, the person making the request shall be directed to the freedom of information officer.
- B. The record custodian may require persons requesting the inspection of or a copy of open public records to make such request in writing. The record custodian shall not require a request contain more information than the requester's name, address, and the information necessary to ascertain the records to which the

requester seeks access and the requester's right of access to the records. In instances where the requester cannot provide sufficient information to identify a record, the record custodian shall assist in making such identification. The record custodian may demand reasonable identification of any person requesting a record. The record custodian shall not deny, delay or return any request because of any technicality, including the requester's failure to make a request in writing, unless it is impossible to determine the records the requester seeks.

- C. The record custodian shall notify the record requester, prior to commencing the search of the record or copies thereof, of his or her estimate of the fee for honoring the record request, when such estimate exceeds \$10.00.
- D. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such record.
- E. All inspections and copying of open public records shall be performed by, or under the supervision of, the record custodian 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/or making of copies shall be permitted only with the written permission of the record custodian. A deposit may be required.
- G. The procedures for the inspection and/or copying of open public records shall be posted in a conspicuous place in the offices of the record custodians.

8.0 **Fees**

All fees charged under this policy shall be paid to the custodian of the records inspected and/or copied.

A. Inspection fees:

1. Where a request has been made for inspection of any open public record that is readily available to the record custodian, there shall be no inspection fee charged to the requester.
2. If the public record is not readily available to the record custodian, a fee not exceeding the actual cost of making the information available may be charged.
3. No inspection fee will be assessed when a denial of a request is made.

B. Copying fees:

1. For copying any public record that is readily available to the record custodian, a fee of twenty-five cents (\$0.25) per page, with a minimum of \$5.00 (for the first five pages) may be charged to the requester.

2. For furnishing copies of any public record that is not readily available to the record custodian, a fee not exceeding the actual cost of making the information available, including staff time, may be charged to the requester.
 3. For copying any public records that cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.
 4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for current free public distribution, and remain available.
 5. No copying fee will be assessed when a denial of a request is made.
- C. Any fees for record inspection or copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded the prepayment of all or part of such fees.
- D. A record custodian shall demand prepayment of fees whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies. Prepayment of inspection and/or copying fees shall further be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$10.00. Where the record custodian has demanded prepayment, no record shall be made available to the requester until such prepayment has been made.
- E. The record custodian may exercise his or her discretion to reduce or waive any inspection or copying fees when such is in the public interest.
- F. The record custodian shall determine and assess a charge covering mailing and handling costs accrued in responding to requests through the mail service.
- G. The record inspection or copying charge shall not be assessed against officers or employees of the City who make requests that are reasonably necessary to the performance of their official duties.
- H. Each record custodian shall maintain the written requests for the inspection and/or copying of open public records. On each such request, the record custodian shall note the disposition of the record request.