and architectural estimates for public improvements (to prevent bidders from learning the agency's cost estimates of a project); financial information submitted by a contract or in qualification statements_ Attorney billing records are not closed as either attorney client privilege or work product privilege. Correspondence between a public agency and a private individual, other than correspondence intended to give notice of an agency action, policy or determination.

Maintenance of records

K.S.A. 45-404(b) sets out the length of time that state agencies and counties are subject to the Act and prohibited from destroying public records.

Cities and rural water districts, according to K.S.A. 12-120, may destroy the following records after they have been on file for the period stated:

Claims and any purchase orders attached thereto, 6 years

Warrants or warrant checks, that have been paid, 5 years

Duplicates of receipts or stubs of receipts issued, 3 years

Duplicates of utility bills sent to customers, 3 years

Bookkeeping or accounting records of utility customer's accounts, 3 years, except that the period for the records of deposits to guarantee the payment of bills or the return of meters shall begin when the account is closed or the customer ceases to receive service

Duplicates or stubs of licenses issued for license fees or taxes, 3 years

Bonds of officers or employees, 10 years, the period to begin at the termination of the term of the bond

insurance policies, 5 years, the period beginning at expiration of the policy unless a claim is pending Canceled checks, 5 years

Requisition and duplicate purchase orders, 3 years

Bonds and coupons, if any stamped paid or canceled and returned by the fiscal agent, 5 years, the period beginning at the date of maturity of the bond or coupon. One bond of each issue shall be retained permanently or shall be offered to the state historical society

The original of records, documents or other papers may be destroyed at any time if reproduced as provided in K.S.A. 12-122 and such reproduction shall be retained for a period not less than required for the original records.

Procedure for obtaining a record

Records may be inspected during regular office hours. The agency may require the request to be in writing and if so, then all requests must be in writing.

A form is available for your use in making the request, although you are not required to use that form. You will be required to certify, in writing, that you will not make any improper use of the information obtained. The fees payable for access to or copies of records are as follows: $199.00 per document.

All fees are due in advance.

For more information or to request a record

Contact the Freedom of Information Officer for this agency if you have any questions. The Freedom of Information Officer for this public agency is: Deb Davis 785-876-2639

REQUEST FOR RECORDS

Pursuant to K.S.A. 45-220, do hereby cetify that:

1. I will not use the list of names and addresses contained in or derived from the requested public record for the purpose of selling or offering for sale any property or service to any person or firm who resides at any address listed; or

2. I shall not sell, give or otherwise make available to any person or firm any list of names and addresses contained in or derived from the requested public records or information for the purpose of allowing that person or firm to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

[will use the information for the purpose of:

_____

_____

I understand that I will be contacted with the total cost of this information and my request will be generated upon the agency's receipt of payment of that total cost.

Date: _____

_____

Signature

_____

Address

A Guide To Open Public Records

It is the public policy of the State of Kansas that "public records shall be open for inspection by any person unless otherwise provided, and the act (Kansas Open Records Act) shall be liberally construed and applied to promote such policy.," K.S.A. 45-216(a).

This informational brochure made available through your local public agency and the Kansas Rural Water Association.

The Kansas Open Records Act

The Kansas Open Records Act applies to Public Records. Public Records include 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.S.A. 45-217(1).

Who are public agencies? Cities, rural water districts, school districts, watershed districts, townships, community townships, drainage districts, state agencies and boards, unless otherwise provided by statute. Basically, a public agency is defined as "the state or any political or taxing subdivision, or any office, officer, or agency thereof, or any other entity, receiving or expending and supported in whole or part by public funds. (K.S.A. 45-217(e).

The Kansas Open Records Act does not apply to court records. District courts have authority to close some records under certain circumstances.

Records made, maintained or kept by a legislator or member of a governing body are not public records. (K.S.A. 217(f)(2).

Offices which do not have regular office hours ARE REQUIRED to establish reasonable hours when persons may inspect and copy documents, but such offices may require 24 hours advance notice. (K.S.A. 45-220(d).

Right of the public to inspect and obtain copies

The Kansas Open Records Act provides that unless closed pursuant to specific legal authority, ALL records are open for inspection_ Any person may make abstracts or obtain copies of a public record. If copies cannot be made in the place where the records are kept, the custodian shall allow arrangements to be made for use of other copying facilities. Members of the public cannot remove a record without written permission of the custodian (Freedom of Information Officer).

Public agencies are not required to provide copies of radio or recording tapes or discs, video tapes or films, etc. unless the items were shown or played at a public meeting, but not if copyrighted by someone other than the public agency.

Response by agency

The governing body of every public agency in Kansas which maintains public records shall designate a local freedom of information officer. An official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the local freedom of information officer that contains basic information about the rights of a requestor, the responsibilities of a public agency and the procedures for inspecting or obtaining a copy of public records under the open records act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the governmental body where it is available to members of the public who request public information in person under this act.

The public agency must respond to the request as soon as possible but not later than the third business day following the date the request was received. If the request is denied, a written statement of the legal grounds for the denial shall be given upon request. Some degree of specificity is required. Access may be denied if the request places an unreasonable burden in producing the record or is intended to disrupt the agency. This provision should be used only in extreme circumstances. Payment for the copies may be required in advance.

Prohibited use of certain records

A list of names and addresses shall not be obtained from public records for the purpose of selling or offering for sale any property or service to the persons listed. This provision does not prohibit commercial use generally; it just applies to use of the names to sell or offer to sell property or a service. This provision does not prohibit use of lists of names obtained from public records to solicit the purchase of property from the persons listed. This provision pertains to the names and addresses of businesses listed in the public records, as well as individuals. Any person who knowingly sells, gives, or receives records for such purpose is guilty of a class C misdemeanor. The agency may require a person who requests such records to provide written certification that she or he will not use the record for that prohibited commercial purpose. If the requester makes this certification the custodian is relieved of liability if the custodian provides records in good faith reliance on certification. A third party who obtains this information from a "requestor" violates the law if it is used for commercial purposes.

Records which are closed

Some records are mandatorily closed by federal law, state statute or Supreme Court Rule. Examples include child abuse records and reports; juvenile offense records; drug abuse treatment records; financial information of a taxpayer filed with the county appraiser; criminal history record information; ballots; pre-sentence reports; grand jury proceeding records; long-term care facility residents' information; adoptions; income tax reports and returns; KDHE vital statistics - marriage, birth and death certificates; diversion agreements in district court, once completed; disclosure of social security numbers; certain student information or educational records.

Records which may be closed K.S.A. 45-221(a)(2-43) lists public records that are NOT required to be disclosed. The public agency has discretion whether to make these records available for inspection. The burden of showing that a record fits within an exception rests with the party intended to prevent disclosure. Examples include personnel records, performance ratings, or individually identifiable records pertaining to employees or applicants for employment in public agencies. The "names, positions, salaries and lengths of service" of public officers and employees must be made public (K.S.A. 45-221(a)(4). Home addresses of public employees may be closed. Independent contractors are not "personnel" so records concerning them may not be closed under this exception. Employment contracts are open, except to the extent that they contain personal information.

Other records which may be closed include letters of reference or recommendation; criminal investigation records, engineering