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## 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, 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." Pittsburg State University is classified as a public agency for the purposes of this Act.

To review the Kansas Open Records Act (K.S.A. 45-215), more about the process, and more about your rights, please read the [Kansas Statute](#).

### Public Records Maintained by Pittsburg State University

- Regulations
- Policies
- Minutes/Records of open meetings
- Salaries of public officials
- Agency budget documents

### Your Rights

You have the right to request assistance from the agency's Freedom of Information Officer at any time. You have the right:

- To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.
- To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
- To obtain a copy of the agency's policies and procedures for access to records.
- To receive a written response to your request within three business days. The response may inform you that it will take additional time to produce the records.

### Your Responsibilities

You must request records, written, photographic, or computerized. The Kansas Open Records Act does not require an agency to answer questions, prepare reports, or compile information.

An agency may require you to put your request in writing, and you must provide proof of your identity, if requested.

Reasonable fees, not exceeding actual cost, may be charged for access to records, copies of records, and staff time for processing your request.

## **Requesting a record**

Cindy Johnson, Associate VP of Compliance and Integrity, Pittsburg State University, Pittsburg, Kansas 66762, [openrecords@pittstate.edu](mailto:openrecords@pittstate.edu), is the designated Official Custodian of Public Records, and requests for inspection and copies of records should be directed to her.

Regular office hours on all business days, excluding Saturday, Sunday, and official holidays, are from 8:00 a.m. to 4:30 p.m. Records may be inspected during those hours. The university is closed on official holidays and during any campus-wide closure due to weather or other emergencies.

We ask that you submit a written request to obtain public records. Please include the following information in your request:

- Your name, mailing address, email address, and daytime telephone number;
- A specific description of the records you are requesting. Make your request as specific as possible to expedite the process.

Direct your request to: Cindy Johnson Associate Vice President Office of Institutional Compliance and Integrity Pittsburg State University Pittsburg, KS 66762 Email: [openrecords@pittstate.edu](mailto:openrecords@pittstate.edu)

During an in-person request, agency records shall remain in the possession and control of an agency staff member during inspection and/or duplication.

To ask questions about the Open Records Act, or to obtain assistance in resolving disputes relating to the Act, consult with our Freedom of Information Officer:

- Jamie Brooksher
- General Counsel
- Pittsburg State University
- Pittsburg, Kansas 66762
- [jbrooksher@pittstate.edu](mailto:jbrooksher@pittstate.edu)

## **Delays 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; and/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; and/or
- The request is unclear and more information is needed.

If the request is delayed or denied, you will receive a written explanation for the delay or denial within those three days.

Permission to inspect or copy public records may be denied if:

- The request "places an unreasonable burden in producing public records;" and/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 in a public meeting of the Kansas Board of Regents or other public body.

### **Charges and fees**

Fees shall be charged, and collected in advance, for the provision of access to and the copying of public records. Fees for copies shall equal 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 may be charged for providing access to or furnishing copies of public records:

- Photocopies: \$0.25 per page
- Scanned Data: \$0.25 per page
- Postage: Actual Cost
- Cost of Staff Time: Varies

### **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 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 investigation records
- Several other specific types of records

A complete list of exemptions can be found in K.S.A. 45-221.

An agency is only required to provide public records that already exist. There is no requirement for the agency to create a record upon request.

Nothing in the Open Records Act supersedes federal law, including the Family Educational Rights and Privacy Act (Buckley Amendment).

If a record is only partially exempted from disclosure, the designated custodian of records shall delete the exempted materials and make available the material that is subject to disclosure. Records which are exempt because they pertain to an identifiable individual are subject to disclosure if deletion of the identifying portions of the records is possible.

Public records more than 70 years old are open for inspection without regard to the above-listed exemption. Disclosure of such records is prohibited only if federal or state law so provides.

### **Additional Information**

If you have questions about the Act or the University's policies under it, contact Pittsburg State University's Freedom of Information Officer, Jamie Brooksher at [jbrooksher@pittstate.edu](mailto:jbrooksher@pittstate.edu).

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