

**Frequently Asked Q & A**

**Procedures for Obtaining Copies of Public Records**

1. How do I request a record?
  - If you know the extension of the office that would provide the information, you may contact them directly. If you do not know who would provide the records you desire, the best place to begin is with an agency’s designated record custodian. For Wyandotte County, that would be the Clerk’s Office at 913-573-2506.
2. Do I have to put my request in writing?
  - To ensure both you and the agency are clear on what you are requesting, an agency may require you to put a request in writing. While WYCO does provide a form for submitting request, you are not required to use any particular form.
3. Who can request a record?
  - Anyone can. There is no requirement that a person making the request has any special relationship to the record(s) being requested. There is no special status for any person making a record request, even if the record is about them.
4. What may the agency ask of me when I request records?
  - The agency may ask for some form or proof of your identity. They may also ask that you provide your name and address which is optional.
5. Do I have to go in person to the place where the records are kept to make my request?
  - No, you may make your request in writing from anywhere. Many record transactions are handled through the mail or even online.
6. What do I do if the agency that has the records doesn’t have full time staff or regular business offices?
  - KORA permits very small agencies that do not have regular office hours to establish reasonable hours when you can inspect or copy records, but the agency may require 24hours notice. All other requirements for access remain the same.
7. May I take a public record and have it copied elsewhere?
  - Not without the record custodian’s permission. If copies cannot be made where the records are kept, the custodian will make arrangements to have a copy made. Public record custodians are required to keep original documents safe, so they will be available for any person who might request that record.

**Responding to Record Requests**

1. When can I expect to receive the records?
  - It depends on the availability of the records. Some records may be provided at the time they are requested, others may have to be gathered and reviewed before releasing them.
2. What is the “three day” requirement?
  - An agency must act upon your request as soon as possible, but not more than three business days, beginning the day after the request is received.

## **STANDARD OPERATING PROCEDURES – Open Records Requests**

3. Does this mean I will get the records in three days?
  - No, the agency must communicate with you within those three days. They may provide the records, or explain they do not have the desired records, or may inform you that the search or review is underway and will be completed as soon as possible.
4. Is there a deadline when the records must be given to me?
  - No, each request and record is unique, although if there is a delay, the record custodian should provide a time estimate to you. Some records may need to be gathered from remote locations. Other records that contain closed portions must be reviewed and appropriately redacted or blacked out.
5. Does KORA require that an agency answer my questions?
  - No, KORA only applies to records as they exist at the time you ask for them. If you are asking for information, analysis, or an explanation about a policy, you might get them, but not under the rules of KORA. KORA does not require an agency to do research for you or provide written answers to your questions.
6. May I request records that will be created in the future?
  - No, records not yet in existence are not subject to KORA. Even though many records are routinely created, such as meeting minutes and monthly financial reports, your request must be made after they are prepared and available.

### **KORA and Fees**

1. May a public agency charge fees for accessing or copying records?
  - a. Yes. KORA permits public agencies to recover their costs for gathering and copying records.
2. What kinds of costs are allowed?
  - a. The agency may only charge the direct cost for staff time to gather, review, photocopy, and send the records to you. The agency may not charge for overhead or indirect costs.
3. Is there a standard fee schedule that all agencies must use?
  - a. No, KORA permits each agency to establish their fees. However, they must represent their best estimate for actual costs.
4. May an agency collect fees in advance?
  - a. Yes, KORA allows public agencies to collect estimated fees in advance. If the actual cost is less, you will be refunded the difference. If it is more, the agency may bill you for the additional costs.
5. What can I do if I believe the fees are unreasonable?
  - a. If the records are from an executive branch state agency, there is an appeal process through the Secretary of Administration. If the records are from another agency, you may complain to the county or district attorney. If the agency can justify the fees and they are based upon actual costs, then they are reasonable.

### **Prohibited Uses of Public Records**

## STANDARD OPERATING PROCEDURES – Open Records Requests

1. May I use a public record that contains names and/or addresses on it, so I can contact the people on the list to offer goods or services for sale?
  - No, KORA prohibits using lists of names and addresses as a marketing tool except in very limited cases, such as professional organizations that offer educational opportunities for licensed individuals.
2. If I request a public record that contains names and addresses on it, do I have to sign a special form?
  - Yes, KORA permits an agency to require you certify in writing that you will not use the names and addresses for any prohibited purposes. If you do not sign the form, the agency does not have to provide you the records.