

KREC Open Record Fees

Revised May 19, 2025 (effective July 1, 2025)

FEES: The Kansas Open Records Act (KORA), K.S.A. 45-215 *et seq.*, allows a state agency to require advance payment for actual costs associated with producing records. Record requests that can be provided with less than one hour of staff time or fewer than 100 pages (pursuant to Executive Order 18-05) will be provided to Kansas residents at no charge. For requests from Kansas residents that exceed that amount, and for all requests from non-Kansas residents, the following rates shall apply: **COPIES**, \$0.25 per page for paper copies; **MAILING**, \$1.00 for first 5 pages, \$0.25 for additional 5-page increments. Upon request, KREC will provide an itemized statement of costs incurred to the requester.

STAFF TIME: Staff time will be charged at the hourly rate of pay for the staff person reasonably necessary to provide access to or furnish copies of public records. This may include the time spent to access records maintained on computer facilities, review records to determine whether disclosure exceptions apply, and/or redact closed from open information. When the staff time needed to respond to a records request will exceed five hours or the estimated actual cost for staff time needed to fill the request exceeds \$200, KREC shall make reasonable efforts to contact the requester about mitigating costs to fill the request. The requester is not obligated to mitigate costs. If KREC has made reasonable efforts to contact the requester about mitigating costs and the requester has failed to respond by the end of the third business day, the records request will be deemed to be withdrawn until a subsequent contact has been made by the requester. "Reasonable efforts to contact the requester" means contacting the requester through the means of communication that the requester provided to be used by KREC to respond to the request.

ADDITIONAL FEES: Any other actual costs incurred by KREC in connection with fulfilling a record request may be assessed to the requester. The agency will provide an itemized estimate of the fees which shall be paid prior to the agency gathering the records. To ensure payment, the final cost of providing access to or furnishing copies must be paid before the records are provided. If the actual cost is less than the estimate, the requester will be reimbursed for the difference.

WRITTEN REQUEST: KREC requires requests for access to or copies of records to be made in writing to adequately document the request and clarify exactly what records are being sought. All requests for records shall state the requester's name, electronic mail or U.S. mailing address, and a contact phone number. The requester shall provide detailed information about the records being requested to aid the staff in determining if such records exist and are possessed by the agency. Requests for records not yet in existence, requests for documents to be created prospectively, or requests that require a new document to be created specifically in response to the request shall be declined.

FAXING AND 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 express delivery is requested, the requester shall arrange for pickup 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.

REQUESTS FOR ELECTRONIC FORMAT RECORDS: Consistent with the conclusions in *Roe v. Phillips County Hospital*, 317 Kan. 1, Syl. 4, 9, 522 P.3d 277 (2023), the record custodian will be the sole judge of the ability of the agency to comply with any record request for the records to be provided in electronic format or 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 an acknowledgement of the request sent 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, then a written response will be provided as soon as the records have been located and reviewed.

APPEAL: Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration, whose decision shall be final.

CONFIDENTIAL INFORMATION: The Kansas Open Records Act, K.S.A. 45-215 *et seq.*, allows a state agency to withhold certain records or portions of records from public disclosure. In cases where a records request includes records that contain confidential information, the KREC will first redact the responsive records to ensure that no confidential information is released. Depending on the nature of the request, these redactions may require review from the KREC's attorney. If records are redacted, the KREC will inform the person making the request of which records, or portions of records, have been redacted.