

A Message from District Attorney Marc Bennett

The Office of the District Attorney has prepared this brochure to provide all citizens with information concerning the Kansas Open Records Act [K.S.A. 45-215 *et seq.*] This Act gives you the right to obtain copies of many public agency records that are not exempt from disclosure by specific provisions of Kansas law.

This brochure includes information concerning the Act and sets forth the steps you need to take in order to submit an open records request to the Office of the District Attorney.

We ask that you submit any such request in writing to our Freedom of Information Officer, Deputy District Attorney Aaron Breitenbach, at the address listed on the front of this brochure. A "Request for Open Records" form is available to assist you, but use of that form is not required.

We will do everything possible to provide you with the information and assistance necessary to submit your request. I hope this information will help you better understand the provisions of the Kansas Open

Requesting a Record from the Office of the District Attorney

- ◆ Contact the District Attorney's Freedom of Information Officer to determine if the record you need exists or is available.
- ◆ Be prepared to provide a specific description of the record you are requesting
- ◆ Your formal request for a record should be in writing. A form is available to assist you in making your request, but use of this form is not required.
- ◆ Many records will be produced within three (3) business days from the time the written request is received
- ◆ If the request is delayed or denied, you will receive a written explanation for the delay or denial within the three (3) day time period
- ◆ If you wish to request a record and/or have questions about your request, contact the Freedom of Information Officer for the Office of the District Attorney listed on the front of this brochure

Access to Kansas Open Records



*Office of the District Attorney
Marc Bennett*

Freedom of Information Officer:
Aaron Breitenbach
Deputy District Attorney
535 N. Main, 2nd Floor
Wichita KS 67203
(316) 660-3600

Your Rights

- 1) To inspect and obtain copies of public records that are not exempt from disclosure by a specific law.
- 2) To obtain a copy of the agency's policies and procedures for access to records and to request assistance from the agency's Freedom of Information Officer.
- 3) To receive a written response to your request within three (3) business days.
 - ◆ *The response may inform you that it will take additional time to produce the records. Reasons for additional time may include voluminous records, complicated request parameters, unresolved legal issues or difficulty in accessing archived records.*
 - ◆ *The response may deny your request in whole or in part. If the request is denied, the agency must identify generally the records to be denied and the specific legal authority for the denial.*
- 4) To bring a private lawsuit or to file a complaint with the District Attorney, County Attorney or the Attorney General if you feel you were wrongfully denied records.

Your Responsibilities

- 1) You must request records--written, photographic or computerized. The Kansas Open Records Act does not require an agency to answer questions or prepare reports.
- 2) An agency may require you to put your request in writing, and you must provide proof of your identity, if requested.
- 3) Reasonable fees, not exceeding actual cost, may be charged for access to records, copies of records and staff time for processing your request.

Records Available

Most records maintained by public entities are open for public inspection and copying. Records commonly requested include, but are not limited to: statutes, regulations, policies, minutes/records of public meetings, salaries of public officials and agency budget documents.

Exceptions to the Kansas Open Records Act

The Kansas Open Records Act recognizes that certain records contain private or privileged information. The Act lists several exceptions including:

- ◆ Some personnel records involving 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 Investigations records
- ◆ Several other specific types of records as outlined under Kansas law

A list of additional 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.