

Kansas – State Public Record Laws

Citations	<p>Kansas Statutes Annotated, Ch. 45, Article 2</p> <ul style="list-style-type: none"> ▪ (http://www.kslegislature.org/li_2012/b2011_12/statute/045_000_0000_chapter/045_002_0000_article/)
Exemptions to Disclosure	<p>A public agency is not required to disclose:</p> <ul style="list-style-type: none"> • Well samples, logs or surveys which the state corporation commission requires to be filed by persons re: drilling for exploration for oil or gas production; • Work product; • Preliminary drafts, notes, research data – exemption does NOT cover records publicly cited or identified in an open meeting or an agenda of such meeting; • The Act also contains a deliberative process exception, which allows an agency to withhold “[n]otes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.” K.S.A. § 45-221(20).
Access Rights	<ul style="list-style-type: none"> • Any person • Suitable facilities • No person shall remove original copies w/o permission of custodian • Regular office hours, and additional hours established by agency • Response w/in 3 business days; detailed explanation for further delay; written statement of grounds for denial (citing specific provision of law under which access is denied) • Fee may be charged for providing access or furnishing copies [many states don’t charge for inspection] • May have to provide information to demonstrate purpose for request isn’t prohibited (selling, etc.); may need to show right of access • Written permission of custodian to remove original copies from office of public agency • Custodian can refuse access if demonstrates by preponderance of the evidence that the requests are intended to disrupt other essential functions of the agency, or the request places unreasonable burden in producing public records
Destruction of Public Records	<ul style="list-style-type: none"> • "All government records made or received by and all government records coming into the custody, control or possession of a state or local agency, in the course of its public duties, and all government records deposited in the state archives shall not be mutilated, destroyed, transferred, removed, damaged or otherwise disposed of, in whole or part, except as provided by law, or as may be authorized in the retention and disposition schedules." K.S.A. 45-403.