

OSFM KANSAS OPEN RECORDS POLICY/BROCHURE

Pursuant to the Kansas Open Records Act

K.S.A. 45-215 et seq.

It is the official policy of the Office of the State Fire Marshal (OSFM) that public records maintained by the OSFM be accessible to the public in accordance with the Kansas Open Records Act (KORA), K.S.A. 45-215, et seq. Access to public records that do not fall within an exception to KORA will be provided timely, with due regard for preserving the records maintained by the agency and preventing excessive disruption of the agency's essential functions.

YOUR RIGHTS AND RESPONSIBILITIES UNDER KORA

It is your right to:

- Inspect and obtain copies of public records which are not exempted from disclosure by specific law.
- 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.
- Expect to receive a written response to your request within three business days after receipt of the request, providing records or giving information about the status of your request.
- Bring a private lawsuit in district court or file a complaint with the Office of the Kansas Attorney General or the County or District Attorney if you feel you are wrongly denied records that you have a right to access.

It is your responsibility to:

- Request identifiable records. KORA does not require an agency to answer questions, provide information that is not in a record, or create records.
- Put your request in writing and include the name, mailing address and phone number of the person requesting the record. See attached Open Records Request Form for assistance.
- Pay the reasonable fees, not exceeding the actual cost, before the agency processes the request or provides access to the requested records.

OSFM RESPONSIBILITIES

We must:

- Adopt procedures to be followed in requesting access to and obtaining copies of public records.
- Appoint a Freedom of Information Officer who can answer your questions and settle disputes under KORA.
- Have a records custodian available during regular business hours.
- Make facilities available to you for inspecting our records.
- Allow you to make abstracts or to have copies of our records.
- Redact the exempt information and provide you with the remainder of the record if a document partially contains exempt information.
- Provide you with a written statement citing the specific provisions of the law under which we are denying access if you so request. For a list of exempt records under the KORA, see K.S.A. 45-221. Note that other state and federal statutes may also restrict access to certain records.

- Act upon requests for documents within three business days of receipt of the request or give you an explanation of the reason for delay.

REQUESTING A RECORD

OFFICE HOURS: Monday – Friday, 8 a.m. to 4:30 p.m., except official state holidays. Requests received after 4:30 p.m. p.m. will not be logged in and processed until the next business day.

DESIGNATED AGENCY RECORDS CUSTODIAN/FREEDOM OF INFORMATION OFFICER:

Jared P. Smith
Assistant Attorney General
Office of the State Fire Marshal
800 SW Jackson, Suite 104
Topeka, KS 66612-1216
TEL: (785) 296-2078
FAX: (785) 296-0151
Email: jared.smith@ks.gov (Use subject line: "Open Records Request")

DESIGNATED AGENCY RECORDS CUSTODIAN FOR INVESTIGATIVE OR INSURANCE CLAIMS:

Carolyn Lowry
Senior Administrative Assistant
Office of the State Fire Marshal
800 SW Jackson, Suite 104
Topeka, KS 66612
TEL: (785) 296-8984
FAX: (785) 368-6559
Email: osfminv@ks.gov (Use subject line: "Open Records Request")

FEES:

The following rates shall apply:

- COPIES will be charged at 25¢ per page for paper copies, \$0.125 per page for electronic copies;
- MAILING will be charged at 50¢ for first 5 pages, 25¢ for additional 5-page increments for paper copies; electronic copies may be mailed or transmitted electronically and the cost calculated based on the volume;
- FAXES will be charged at 65¢ per 10-page fax;
- STAFF TIME will be charged at the rate of pay for each person(s) whose time is used in order to assist and/or respond to a specific request. This may include the time spent to access records maintained on computer facilities, review records to determine whether closure exceptions apply and/or to redact open from closed information.

Additional fees, including any other costs incurred by the agency in connection with complying with a record request, may be assessed to the requestor.

ADVANCE PAYMENT OF FEES REQUIRED

The agency will provide the requestor with an estimate of the fees before gathering and processing or providing access to the records. The estimated fees MUST be paid BEFORE the agency processes the request or provides access to the requested records. While we do our best to provide an accurate estimate of the fee, it is possible that the records can be produced for less than the estimated amount. If so, any additional amounts will be refunded. However, it is also possible that we will discover the estimated fee is low once the actual processing work is started. If we discover that the estimated fee is too low, we will promptly advise the requestor any correction to the fee and request advance payment of any additional costs before continuing the work. Payment may be made by check or money order payable to the OSFM. Returned checks will incur an additional fee of \$30.00.

WRITTEN REQUEST

To assure that the request is clearly understood, the agency requires requests for access to or copies of records be made in writing. All requests for records must state:

- The requestor's name. Note that the agency may require proof of identity of any person requesting access to a public record;
- Mailing address and email address;
- A phone number where the requestor can be contacted; and
- Detailed information about the records being requested. This will help staff in determining if the requested records exist and are in the agency's possession. Requests for records not yet in existence or documents to be created prospectively cannot be honored.
- The attached Open Records Request Form contains the information the OSFM requires. You may use it to submit a request to the OSFM, but you are not required to use this form.

FAXING AND AIR 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 air express delivery is requested, the requestor **MUST** arrange for pick up and packaging of the records; all associated costs for such delivery **MUST** be paid by the requestor.
- The official records custodian or the designated agency records custodian has sole discretion as to whether to honor requests for faxing or express delivery.

REQUESTS FOR ELECTRONIC FORMAT RECORDS

The official records custodian or the designated agency records custodian will be the sole judge of the ability of the agency to comply with any 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 some response being made to the requestor no later than the third business day following the receipt of the request. If it appears that additional time will be needed, that fees will be assessed, or that some of the records may be closed by law, a written response will be provided as soon as the records have been located and reviewed.

***This brochure pertains to laws in effect as of July 1, 2015. Persons with disabilities may contact the Public Information Officer at (785) 296-3403 or the Kansas Relay Center at 1-800-766-3777 for copies of this information in an accessible format.*