

**RESOLUTION NO. 15-\_\_\_**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, PROVIDING POLICIES AND PROCEDURES FOR OPEN RECORDS REQUESTS.

**WHEREAS**, the Board of County Commissioners desires to adopt policies and procedures for responding to open records requests.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1. AMENDMENTS TO COUNTY CODE.** Chapter 1, Article 5 of the Douglas County Code is hereby amended to add the following new sections:

**CHAPTER 1: ADMINISTRATION**

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**ARTICLE 5: PUBLIC RECORDS**

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- 1-504. LOCAL FREEDOM OF INFORMATION OFFICER. Pursuant to K.S.A. 45-226, the County Administrator shall appoint a freedom of information officer. The local freedom of information officer shall be available to the general public and records custodians to answer questions, resolve disputes, and assist in appropriately responding to requests for inspecting and copying public records.
- 1-505. OFFICIAL CUSTODIANS.
- a. APPOINTMENT. Except as otherwise provided by other applicable law, all department heads are official records custodians for public records on file in their respective departments.
  - b. SUBORDINATE OFFICERS. Each of the official custodians appointed in subsection (a) of this section may designate any subordinate officers or employees to serve as record custodians. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.
  - c. DUTIES OF CUSTODIANS. All Douglas County officers and employees appointed or designated under this section shall:

- (1) Protect public records from damage and disorganization.
- (2) Prevent excessive disruption of the essential functions of the Douglas County.
- (3) Provide assistance and information upon request and ensure efficient and timely action and response to all written applications for inspection or copying of public records.
- (4) Comply with the Kansas Open Records Act and carry out the procedures adopted for inspecting and copying public records.

d. WRITTEN REQUESTS TO BE DIRECTED TO CUSTODIANS.

- (1) All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their written requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
- (2) Whenever any Douglas County officer or employee appointed or designated as a custodian under this section is presented with a written request for access to, or copy of, a public record, which record the custodian does not possess and for which the custodian has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is readily known by the custodian receiving the request.

1-506 ACCESS AND COPYING PROCEDURES. The following procedures are adopted and shall be applied by each official custodian and record custodian.

- a. Consistent with the policy, duties and procedures established by the Kansas Open Records Act, all Douglas County record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records in writing. Certain records, however, may be excluded from public access. These records are identified and K.S.A. 45-221(a).
- b. Record custodians may adopt and apply additional open public record access and copy procedures consistent with the policies of

the Douglas County and with the provisions of the Kansas Open Records Act.

- c. Record custodians may adopt and apply procedures that will ensure the protection and preservation of public records with respect to the manner in which such records are inspected and copied.
- d. Record custodians shall take necessary measures, not inconsistent with their duties, to provide access to open public records and to ensure that the essential functions of the custodian's office, department or agency are not disrupted by requests for record inspection and copying.
- e. A records custodian may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by Kansas Open Records Act and this section, a records custodian shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A records custodian may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.
- f. Each written request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection.
- g. If the written request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.
- h. The custodian may refuse to provide access to a public record, or to permit inspection, if a request is not in writing, places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to

disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by preponderance of the evidence.

- i. If access to public records or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or 45-230, and amendments thereto, the records custodian may require a person requesting the records or information therein to provide written certification that:
  - (1) The requester has a right of access to the records and the basis of that right; or
  - (2) The requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

**Section 2. STATE STATUE.** Nothing herein establishes any rights or responsibilities beyond what is established in the Kansas Open Records Act as outlined in K.S.A. 45-226.

**Section 3. EFFECTIVE DATE.** This is a regular resolution and shall take effect and be in force and effect from and after its adoption.

**ADOPTED:** \_\_\_\_ . 2015.

**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS**

\_\_\_\_\_  
Jim Flory, Chair

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Nancy Thellman, Member

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Mike Gaughan, Member

**ATTEST:**

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Jameson D. Shew, County Clerk