

RULE XVII

PUBLIC RECORDS

1. **POLICY STATEMENT:**

It is the policy of the Water District Board that except as otherwise provided in these Rules and Regulations and subject to the restrictions imposed by the Kansas Open Records Act (K.S.A. 45-215, et seq. and amendments thereto) all public records of Water District No. 1 of Johnson County shall be open for inspection by any person as provided by said Act.

2. **AVAILABILITY:**

Records may be inspected at the Principal Office of the District during regular Business Hours as defined in Rule II. No inspection will be originated at any other office or facility of the District. The protection of public records from loss, damage or disorganization, and the prevention of disruption of the District's functions shall be paramount.

The custodians may refuse to provide access to or to permit inspection of a public record if a request places an unreasonable burden or an unreasonable risk of loss or damage to the record or an unreasonable risk of disruption of the record keeping system.

3. **DESIGNATION OF FREEDOM OF INFORMATION OFFICER:**

The Director of Community and Customer Relations is appointed as Freedom of Information Officer. Such Officer or Officer's designee shall prepare and provide educational materials and information concerning public records and assist and respond to inquiries relating to public records. The Freedom of Information Officer may designate and appoint such deputy officers as deemed necessary or expedient. Each deputy officer shall have such duties and powers as delegated by the Freedom of Information Officer, but such delegation shall be consistent with the objectives, duties

and powers as provided in the Kansas Open Records Act (K.S.A. 45-215, et seq. and amendments thereto) and this Rule.

4. DESIGNATION OF OFFICIAL RECORDS CUSTODIAN:

The Manager of Customer Service is appointed as Official Custodian of all District records and shall receive, process and coordinate all requests for access to public records, as directed by the Freedom of Information Officer. The Official Records Custodian shall also display and distribute an informative brochure to be available in one or more locations of the Principal Office of the District. Actions of the Official Records Custodian shall be consistent with the objectives duties and powers as provided in the Kansas Open Records Act (K.S.A. 45-215, et seq. and amendments thereto) and this Rule.

5. FACILITIES FOR INSPECTION:

Suitable facilities at the Principal Office of the District shall be provided for the use of any person desiring to inspect or copy an open public record. Requesters of records at other facilities of the District shall be referred to the District's Principal Office. Records maintained at other facilities only shall be copied and transmitted to the Principal Office in response to requests. Records that cannot be copied as a practical matter may be transmitted to the Principal Office for inspection, or, at the discretion of the Freedom of Information Officer and/or Official Records Custodian, the requester may be referred to the facility where the record is maintained or is presently located to conduct such inspection. No such referral will be made without prior application and processing at the Principal Office of the District.

6. PROCEDURE FOR ACCESS:

The following procedures shall be applied by the Freedom of Information Officer and

Official Records Custodian with respect to each record and request for inspection or copying.

- A. The Freedom of Information Officer and Official Records Custodian shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records consistent with the duties and procedures established by the Kansas Open Records Act.
- B. The Freedom of Information Officer and Official Records Custodian shall adopt and apply such further procedures as will ensure the protection and preservation of public records with respect to the manner in which such records are inspected and copied.
- C. All persons requesting inspection or copying of open public records must make such request in writing and include their names, addresses and a reasonable description of the record they desire to inspect or copy. The Official Records Custodian shall provide a form for the requester's convenience. Requests by corporations or other entities which are not individual persons shall designate the name and capacity of the officer, employee, partner or other agent of such entity and shall be signed by such requesting representative.
- D. The Freedom of Information Officer and Official Records Custodian shall take such necessary measures as are required to provide full public access without disruption to the essential functions of the District's office, procedures, officers, and employees.
- E. All inspections and copying of open public records shall be performed by or under the supervision of the Freedom of Information Officer or Official Records Custodian or their designee.

- F. Reasonable identification of any person or representative requesting a record may be required by the Freedom of Information Officer and Official Records Custodian.
- G. The Freedom of Information Officer shall prescribe reasonable fees for providing access or furnishing copies of public records which do not exceed the actual cost, including the cost of staff time required to make the information available. The Freedom of Information Officer or Official Records Custodian may exercise personal discretion to reduce or waive any fee when such is in the public interest or for the convenience or best interest of the District. Fees may be collected at the time the application is made.
- H. Copies of open public records requested by mail or telephone shall not be allowed except where a request by mail contains all of the information and signature as required on a request form and there is no fee charged for such requested copy or the fee is waived. Where a mailed request is otherwise adequate but a fee is to be charged for furnishing the requested record, the responding Official Records Custodian shall furnish the requester the appropriate request form by mail and shall designate on the request form the fee to be charged for furnishing the record copy. The requester shall then re-submit the filled out and signed request form together with the designated fee. Upon receipt of the request form and payment of the fee, the responding custodian will then process the request. The Freedom of Information Officer or Official Records Custodian may designate particular documents that will not be copied and furnished upon mailed request but will be furnished only upon request in person.
- I. Each request for access shall be acted upon as soon as possible, but not later than

the end of the third business day following the date of the writing request. If access cannot be granted within three (3) working days, the requester will be given a day, time and place that the record will be made available.

- J. A copy of this Rule and Regulation, as well as any other inspection and copying procedure promulgated by the Freedom of Information Officer, shall be made available to the public at the facility provided for the processing of requests.
- K. Mechanical reproduction of a record shall not be undertaken when, in the judgment of the Freedom of Information Officer or Official Records Custodian, that any available means of reproducing the subject record is likely to cause damage to such record.
- L. If the record refers to an identifiable individual, the Freedom of Information Officer or Official Records Custodian shall delete the identifying portions of the record, including such information that would lead to identification or otherwise permit ascertainment of identification, and make available the remaining portions which are subject to disclosure.
- M. The Freedom of Information Officer or Official Records Custodian shall not disclose any records or information not required to be disclosed as provided in K.S.A. 45-221. The Freedom of Information Officer and Official Records Custodian shall be particularly attentive to prevent disclosures of the subject matter of subsection 12 relating to the security information on District facilities and to subsection 26 relating to lists of identifiable residential customers. Pursuant to an Intergovernmental Agreement approved by the Water District Board certain customer data related to residential customers may be provided to any public entity operating a wastewater treatment utility for the purpose of

billing its customers for wastewater service based upon water usage.

7. DENIAL OF REQUESTS:

The Freedom of Information Officer or Official Records Custodian shall deny requests for inspection and copying where the requested record is not required to be disclosed by the Kansas Open Records Act. To the extent that a portion of the requested record is not subject to disclosure under the Kansas Open Records Act, such portion shall be deleted by the Freedom of Information Officer or Official Records Custodian and the remaining portions will be disclosed to the requester. The Freedom of Information Officer or Official Records Custodian may also deny requests where disclosure would create an unreasonable burden upon the District or where the request was made with the intent to disrupt the functions or procedures of the District or its employees' performances. Denials of disclosure shall be in writing delivered to the requester. The Freedom of Information Officer or Official Records Custodian will also document for the District records, which shall also be available to the requester, the specific provision of the Kansas Open Records Act that authorizes the denial and the basis for a conclusion that the request was made with the intent to disrupt, including the number and dates of repeated requests and designation of the essential functions that would have been disrupted. Denials shall be furnished to the requester not later than the end of the third business day following submission of the request.