

# GCCC Policy Add Template

**Category:** Operations

**Division:**

**Department:** [Click here to enter text.](#)

**Policy Title:** Open Records

**Policy Statement:** Garden City Community College supports and adheres to the Kansas Open Records Act. The college has designated the Vice President for Administrative Services as the Freedom of Information Officer with the authority to establish and maintain a system of records in accordance with the act. The officer may be reached in the SCSC Building or at 620-276-9577.

**Procedures:**

## **GCCC OPEN RECORDS REQUEST PROCEDURES**

GCCC will request the name and address of the requesting party, plus a description of the requested documents, all in writing, as well as written certification that data obtained will not be used for illegal purposes. The college maintains a specific form for request, but the public is not required to use the form. The college has legal authority to obtain proper identification from citizens with records requests, but it is not necessary to exercise this authority.

If there is a question about whether requested information is a public record, the decision will be made by the Freedom of Information Officer. The FIO has the option of referring questions to the college attorney, the Kansas Attorney General's Office or the Kansas Association of School Boards.

### **Response to a Request**

GCCC will attempt to satisfy all Open Records Act document requests as quickly as possible. In some cases, it may be necessary to spend time searching for and/or copying documents. The college will provide a response to all requests no later than the third regular college business day after the request.

If it's clear that it will take longer than three business days to locate, obtain access, assemble or make copies of the document(s), the requesting citizen should be given written notice that the information is archived, and the date, time and location that the information is expected to be available, as well as a reasonable estimate of the cost, if any.

If GCCC denies a request for information, the denial will be provided in writing by the Freedom of Information Officer, citing the specific legal reason. Individual records custodians may deny requests if they believe they have valid reasons, but they should inform the requesting party that final authority to deny access rests with the FIO.

## **Copying and mailing charges**

Fees shall be charged for the provision of access to and the copying of public records. Fees for copies shall equal the actual cost of furnishing copies, including the cost of staff time required to make or supervise the copying, including confidentiality, privilege and open-closed reaction review.

In accordance with this provision and the Kansas Open Records Act, K.S.A. 45-215 et seq., fees may be charged for providing access to or furnishing copies of public records. Standard charges include:

Non-certified copy	\$.25 per page
Addition for certified copy	\$1.25 per page
Mailing costs	Actual cost
Fax	\$1.25 per page
Staff time to prepare documents	\$25.00 per hour (1-hour minimum)
Research/Programming Time & Labor	At cost
Confidentiality/Privilege/Open-closed redaction Review	\$50.00

GCCC will provide up to 20 one-sided page non-certified copies or scanned pages at no charge.

All cost must be paid before records will be released.

## **Conflicting Laws**

Federal law takes precedence over state statues, according to the Office of the Kansas Attorney General. If the Family Educational Rights and Privacy Act, or other federal law, runs counter to the Kansas open Records Act, GCCC will adhere to the federal law.

## **GCCC OPEN RECORDS GUIDELINES**

### **Freedom of Information Officer/Records Custodians**

The college has designated the Vice President of Administrative Services as the Freedom of Information Officer, (Referred to afterward as the FIO) with the authority to establish and maintain a system of records in accordance with the act. The officer may be reached in the GCCC Business Office, or at 620-276-9577. In addition, the institution has designated the following custodians of records:

- Registrar, 620-276-9571
- Director of Human Resources, 620-276-9574
- Director of Student Financial Aid, 620-276-9598
- Vice-President of Instruction and Student Services, 620-276-9597
- Director of Athletics, 620-276-9595
- Campus Police, 620-276-9603
- President, 620-276-9533

In addition, the Comptroller (620-276-9575) has been designated as the deputy Freedom of Information Officer. The Director of Marketing & Public Relations (620-276-9627) has been designated as the second deputy Freedom of Information Officer.

Garden City Community College fully supports the concept of citizen access to public records, and it is the policy of GCCC to comply with the Kansas Open Records Act. Based on consultation with the Kansas Attorney General's Office, any recommendations of the college attorney, and guidelines outlined by the Kansas Association of School Boards, GCCC interprets the act to mean that all public records are open to the public access, except those documents excluded from the definition of public records. Additionally, some records may be exempted from the disclosure requirement.

### **Definition of a Public Record**

GCCC defines a public record as any official information, regardless of form or a characteristic, which is made, kept by or in the possession of the college, whether or not the record was created by the institution.

### **Record Available to the Public**

The following records are considered public. This list is not comprehensive. All records except those noted under "Records **not** available to the public" will be made available on request.

- Contracts of employment and letters of appointment for employment of current and past personnel are open, under the opinion of Kansas Assistant Attorney General. This includes name, salary, position, and length of service. Individual time sheets, performance ratings, ADA requirements and benefit information are not considered to be open.
- Official memos that are cited in open meetings, or which announce policy decisions.
- Contracts between GCCC and other public or private institutions, entities, organizations or businesses.
- Photographs taken by college employees for college purposes, other than individual portraits/"mug shots." (Photographs which have appeared in publications published by the college are copyrighted, and may be viewed but not reproduced).
- Official memos or newsletters sent to or shared with college employees or trustees.
- Minutes of meetings of college trustees or of officially recognized college councils, committees or similar groups, excluding information that is considered private under state or federal law.
- Documents distributed at open meetings. (The FIO should contact Assistant Attorney General for clarification if there are ever questions over a request for documents distributed prior to, and in preparation for, an open meeting).

However, the college is not required to do any of the following:

- Create a special computer program or report to extract information that isn't normally kept.
- Assemble or compile information in any format other than what is normally used by the college operations or kept in college files or databases.
- Draw comparisons between information maintained in separate documents.

- Provide a document that has been legally destroyed due to age or to other valid reason.

## **Records Not Available to the Public**

Under Kansas and federal law, GCCC is not required to provide the following records:

- Records owned by private individuals or entities not related to functions, programs of operations funded by public dollars.
- Individual records or notes kept or filed by a college employee or trustee, such as notes taken at a meeting.
- Records related to the college's individually identifiable contributions for individual employees for worker's compensation, social security, unemployment insurance, medical benefits or retirement benefits.
- Student information excluded from public disclosure by the federal Family Educational Rights and Privacy Act; and information excluded by other applicable federal or state law or Supreme Court rule.
- Letters written by private citizens and addressed to specific college employees.
- Individual performance evaluations of employees.
- Documents pertaining to development of policies which have not been adopted.
- Other documents provided for in KSA 45-221

**Contacts:** Vice President for Administrative Services

**Approved Date:** 3/1/2018

**Policy History:** [Click here to enter text.](#)

**Keywords:** open records, rights, privacy, documents

**Related Form:** [Click here to enter text.](#)