

	Title: Requesting Public Records
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1.0 Purpose

LMH Health complies with the Open Records Act (the "Act"), (K.S.A. 45-215 et seq.), as a charitable trust and instrumentality of the City of Lawrence, Kansas, pursuant to K.S.A 12-1615. Individuals may inspect and obtain copies of public records that are not exempt from disclosure by law. *This policy does not entitle the public to investigate LMH Health practices or receive answers to written questions. This policy does not require LMH Health to create a record where one does not exist. It specifically provides a right to inspect existing records as permitted by law.*

2.0 Scope

"Public records" means, "any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession" of LMH Health.

3.0 Policy

3.1 Office Hours

Office Hours are 8:30 a.m. to 4:30 p.m. weekdays, except official LMH Health Holidays. Access and responses to requests for access to public records are limited to those times.

3.2 Public Records Maintained by LMH Health

Public records include any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of LMH Health. The request must be for records that already exist. The Kansas Open Records Act does not require an LMH Health to answer questions or prepare reports or create a record upon request. If there is any question regarding the accessibility of records, they will be clarified by consulting with the hospital's general counsel.

3.3 Exceptions to the Kansas Open Records Act (Excluded Records)

Certain records, including but not limited to the following, are excluded from the Kansas Open Records Act and are thus not available upon request.

- Records closed by the rules of evidence;
- Medical treatment records;
- Certain personnel information of LMH Health employees;
- Records protected by the attorney-client privilege;
- Records containing personal information compiled for census purposes;
- Criminal investigation records;
- Notes, preliminary drafts, or records in which opinions are expressed or actions are proposed and have not been presented in an Open Meeting as defined by the Kansas Open Meetings Act;
- Proprietary business information and/or trade secrets of a third party; and
- Any records that are specifically prohibited or restricted from disclosure by federal law, state statute, or rule of the Kansas supreme court. This includes “protected healthcare information” as well as quality review and risk management information.
- For a complete list, see K.S.A. 45-221.

LMH Health is only required to provide public records that already exist. There is no requirement for LMH Health to create a record that is requested. Information, analysis or explanation about documents or policies is not a requirement and *LMH Health personnel will not provide information, analysis or explanation about public records.*

3.4 Requestor’s Rights

The requestor has the right to make reasonable requests for assistance from the LMH Health Freedom of Information Officer during regular business hours as follow:

- To inspect and obtain copies of public records which are not exempted from disclosure by a specific law;
- To obtain a copy of LMH Health’s policies and procedures for access to public records;
- To receive a written response to the request within three business days; and
- To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

3.5 Requestor’s Responsibilities

The requestor must request records - written, photographic, or computerized. The Kansas Open Records Act does not require an LMH Health to answer questions, prepare

reports, or compile information and LMH Health personnel will not provide information, analysis or explanation about public records.

LMH Health will require you to put your request in writing, disclose the reason for the request and how the information will be used, and provide proof of your identity.

Reasonable fees, not exceeding actual cost, will be charged for access to records, copies of records, and staff time for processing your request. An estimate of the cost will be provided to you prior to processing your request.

3.6 Requesting a record

A request to obtain public records must be submitted on the LMH Health Kansas Open Records Act Request Form along with a copy of your valid state photo identification (e.g. driver's license or state ID).

You may find a copy of the open records request form at www.lmh.org/openrecordsrequest

The information that is required for submission includes:

- Name
- Organization (if requesting on its behalf)
- Mailing address
- Email address
- Daytime telephone number
- A specific description of the records you are requesting. Making your request as specific as possible to expedite the process.
- The reason for the request and how the information will be used.
- A copy of your valid state photo identification (e.g. driver's license or state ID).

Forms for open records requests can be mailed, emailed, or delivered in person during regular business hours.

Requests may be made by delivery to:

Amy Northrop
Freedom of Information Officer
325 Maine Street
Lawrence, KS 66044

Or, email at:

kora@lmh.org

3.7 Delayed and Declined requests

All effort is made to fully respond to your records request as soon as it is received; however, a determinative response may be delayed if:

- Clarification or refined scope is required;
- Legal issues must be resolved before requested records can be produced;
- The records are archived or stored off-site; or
- The scope or large volume of requested records requires more time to assess record existence, availability, and any fees incurred to produce; or
- If further delay is required, LMH Health will provide its explanation and the earliest date by which it expects to provide determinative response.

A request may be declined in whole or in part if:

- The requested records do not exist;
- The requested records are exempt from disclosure by law;
- The request is insufficiently clear in scope;
- **Permission to access public records may also be declined if the request "places an unreasonable burden in producing public records or the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of" LMH Health. See K.S.A. 45-218(e).**

3.8 Fees

Pursuant to the authority of K.S.A. 1995 Supp. 45-219, LMH Health has established the following schedule of fees for access or copies of public records.

3.8.1 Photocopies of Records

Fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available, and shall be charged at the following rate:

- Copies of documents (includes actual copying time): \$0.36 per one-sided page
- Color copies of documents (includes actual copying time): \$0.50 per one-sided page
- Record Search (excluding actual copying time): No charge for first quarter hour; each additional quarter hour - \$3.75 per quarter hour.
- Record Review: Compliance Staff time will be billed at \$35/hour and Legal Counsel's time will each be billed at \$50/hour.

3.8.2 Video/Audio

Fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available, and shall be charged at the following rate:

- Blank media (video or audio): Actual cost to agency.
- Record search (excluding actual duplicating time): No charge for first quarter hour; each additional quarter hour - \$3.75 per quarter hour.
- Duplication: \$8.75 per quarter hour

3.8.3 Access to Computer Records

Fees shall include only the cost of any computer services, including staff time required, and shall be charged at the following rate:

- Computer Services (including access charges and line charges): actual cost to agency.
- Record Search (clerical): No charge for the first quarter hour; each additional quarter hour - \$3.75 per quarter hour.
- Record Search (professional): No charge for the first quarter hour; each additional quarter hour - \$11.25 per quarter hour.

3.8.4 Redaction

- Redaction Services: actual cost to the organization.

3.8.5 Mailing/Shipping Charges

Delivery of copies of documents shall be by United States mail, first class. There shall be no charge for the first \$1.00 of postage. All postage in excess of \$1.00 and/or charges for specialty mail or delivery shall be charged at the actual rate charged to the agency.

3.8.6 Payment of Fees

- All charges are made in one quarter hour increments.
- ***All payments shall be made in advance of production of requested documents.***
- Personnel responding to a request for copies or access shall fully document their computation for fees.
- All materials produced will include a detailed invoice of charges.
- Payment for materials produced shall be made payable to: LMH Health Compliance Department, 325 Maine Street, Lawrence, Kansas, 66044-1393.

4.0 Related Laws, Regulations, Polices, or Procedures

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

4.2 K.S.A 12-1615

4.3 K.S.A. 45-221

- 4.4 K.S.A. 45-218(e)
- 4.5 K.S.A. 1995 Supp. 45-219

5.0 Definitions

6.0 Sanctions

All Associates are expected to perform in a manner consistent with LMH's Purpose, Beliefs, and Policies. When this does not occur, corrective action may result, up to and including termination.

7.0 Questions/Waivers

Questions regarding this policy should be directed to the Freedom of Information Officer.

8.0 Document History

Rev	Date	Approved By	Comment
0	08/01/2002	Director, Community Relations	Creation of Original Document
1	09/01/2004	Director, Community Relations	Revised
2	04/01/2007	Director, Community Relations	Reviewed
3	02/01/2013	Director, Community Relations President & CEO	Revised
4	06/01/2020	Director, Communications, Marketing & Community Relations President & CEO	Revised
5	01/01/2021	Director, Communications, Marketing & Community Relations President & CEO	Revised
6	06/16/2021	Director, Communications, Marketing & Community Relations President & CEO	Revised