

Kansas Open Records Act (KORA) request

The Kansas Open Records Act (KORA) grants you the right to request and inspect public records from LMH Health. The Open Records Act, K.S.A. § 45-215 et seq., as amended, declares that it is the public policy of Kansas that "public records shall be open for inspection by any person." Public records are defined as "any recorded information, regardless of form or characteristics, which is made maintained or kept by or is in possession" of LMH Health.

Your rights

You have the right to:

- Inspect and obtain copies of public records which are not exempted from disclosure by a specific law
- Obtain a copy of LMH Health's policies and procedures for access to public records
- Receive a written response to the request within three (3) business days

Any person, the Kansas Attorney General, or a County or District Attorney may bring action to enforce KORA. For example, you can file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

Your responsibilities

You must request records – written, photographic, or computerized. The Kansas Open Records Act does not require LMH Health to answer questions, prepare reports or compile information. LMH Health staff will not provide information, analysis or explanation about public records.

LMH Health will require you to put your request in writing, and proof of identity may be required where the requester's identity or right of access governs disclosure.

Reasonable fees, not exceeding actual cost, may 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.

Requesting a record

A request to obtain public records must be submitted on the LMH Health Kansas Open Records Act Request Form.

Your submission must include:

- Name
- Organization (if requesting on its behalf)
- Mailing address
- Email address
- Daytime telephone number
- A specific description of the records you are requesting. Make your request as specific as possible to expedite the process.

- In certain limited cases, we may require a written certification of right to access or of non-commercial use.

Where to direct a request for information

Forms for open records requests can be mailed, emailed or delivered in person during regular business hours from 8 a.m. to 4:30 p.m. Monday through Friday, except official LMH Health holidays. Access and responses for access to public records are limited to those times.

Mail:

Autumn Bishop
Freedom of Information Officer (FIO)
325 Maine Street
Lawrence, KS 66044

Email: kora@lmh.org

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.
- The scope or large volume of requested records requires more time to assess record existence, availability, and any fees incurred to produce.

If further delay is required, LMH Health will provide its explanation and the earliest date by which it expects to provide a 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 does not permit us to determine the records you desire to access.

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).

If we deny your request, we will provide you with a written statement that identifies the legal basis supporting our denial.

Exceptions

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
- 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.

Fees

Fees shall be paid for access or copies of public records and shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

Upon request, LMH Health must provide an itemized statement of costs, including hourly rates for each person involved. Pursuant to K.S.A. 45-219, LMH Health has established the following fee schedule:

- Copies of documents: \$0.36 per one-sided page
- Color copies of documents: \$0.50 per one-sided page
- Blank media (video or audio): Actual cost to LMH Health
- Record Search (excluding actual copying time): No charge for first quarter hour; each additional quarter hour at \$3.75 per quarter hour.
- Record review by Compliance staff: \$35/hour
- Legal counsel review: \$50/hour
- Redaction services (if the records contain both public and exempt materials): Actual cost to LMH Health

Copies of documents will be delivered by first-class United States mail. All postage in excess of \$1 and/or charges for specialty mail or delivery will be charged at the actual rate charged to LMH Health. If staff time will exceed five (5) hours or the estimated cost exceeds \$200, we will make “reasonable efforts to contact the

requestor" to engage in interactive communications about mitigating costs. The requester is not obligated to mitigate costs. If the requester fails to respond by the end of the third business day, the records request will be deemed withdrawn.

All payments are required to be made before production of the requested documents and made payable to:

LMH Health Compliance & Integrity Department

325 Maine Street

Lawrence, Kansas, 66044-1393

The form and content of this publication were approved by LMH Health's FIO.