

## Exceptions

The Kansas Open Records Act recognizes that certain records contain private or privileged information, and the agency is not required to provide access to those records. The Act lists several exceptions, including but not limited to:

- Records closed by the rules of evidence
- Personnel records of public employees
- Medical treatment records
- Criminal investigation records
- Notes, preliminary drafts, or records in which opinions are expressed or actions are proposed
- Records for which disclosure would constitute a clearly unwarranted invasion of personal privacy
- Proprietary business information
- Records protected by attorney/client privilege
- For the complete list, see K.S.A. §45-221(a).

Records more than 70 years old may be disclosed without regard to the above-listed exemptions, unless exempt under other federal or state law.

Records only partially exempt will have the exempt portions excluded prior to production. Records that would unduly disclose individual identities may be produced if exclusion of identifying portions would prevent identification.

Nothing in the Kansas Open Records Act supersedes federal law, including the Health Insurance Portability and Accountability Act (HIPAA).

## Fees

Commensurate with the actual cost in hospital employee time and resources, fees shall be charged for the retrieval, renew, and production of public records. In accordance with K.S.A. §45-219, the following fee rates are established by the agency's head and may be applied at the organizations discretion, GCMC will notify requestor if advanced payment is required. Payment of total estimated fees will be required by check or money. Fees may include:

- Director level or higher rate based upon the highly paid employee's annual salary/hourly pay rate
- Manager rate for retrieval and/or review: \$35/hour
- Staff rate for retrieval and/or assembly to produce: \$25/hour
- Specialized computer retrieval: \$50/hours
- Digital transmission or mailing fee: \$1.50

If the actual cost in time and resources exceeds the fee estimate, the requestor will be bill for the balance of fees incurred, with full payment required before records production. If the actual cost is less than the fee estimate, the requestor will be refunded any difference over \$5.00

If you have any questions about KORA, GCMC's policies or seek to resolve a request-related dispute, contact GCMC's Freedom of Information Officer:

Conner Fiscarelli  
520 W 5th  
Quinter, KS 67752  
785-754-3341  
compliance@gcmc.org



## A Guide to Requesting Public Records from Gove County Medical Center

*Committed to others, always.*

## The Kansas Open Records Act

The Kansas Open Records Act (KORA) grants you the right to access public records created or maintained by public agencies in Kansas, including Gove County Medical Center. The Act, K.S.A. §45-215 et seq, as amended, declares as public policy in 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 the possession of any public agency.” Records that are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds are not public records.

## Your Rights

You have the right to request assistance from the GCMC Freedom of Information Officer at any time. You have the right:

- To inspect and obtain copies of public records that are not exempt from disclosure by specific law.
- To obtain a copy of the agency’s policies and procedures for access to records.
- To receive a written response to your request within three business days after GCMC’s date of receipt. The response may request additional time to determine record existence, availability, and any fees incurred to produce.
- To file a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

## Your Responsibilities

Your request may seek only existing records, whether written, photographic, or computerized.

The Act does not require an agency to answer questions or create new documents to tabulate, synthesize or

summarize dispersed information. Visual presentations and audio or video recordings are required to be produced only if such items were used in a public meeting of the Kansas Board of Regents or public body.

GCMC requires that requests be submitted in writing with the requestor’s full contact information (see below). If requested, you must provide proof of identity. If you seek employee listings, you may be asked to certify non-commercial intent pursuant to K.S.A. §45-220(c). Commercial intents are declined, as K.S.A. §45-230 prohibits state agencies from the gift or sale of any listing of names and addresses for the purpose of selling or offering for sale any property or service to persons listed therein.

Reasonable fees for actual costs in GCMC time and resources must be paid prior to records production. See **Fees** on reverse side. Payment by check or money order should be mailed to Gove County Medical Center Business Office with attention to the Freedom of Information Officer. If the Business Office does not receive payment or further response within sixty (60) days after the date of the estimate, GCMC will consider the request abandoned.

## Requesting a Record

Please make your description of the requested records as specific as possible, and include your full contact information including Name, Organization (if requesting on its behalf), Mailing address, Email address, and Daytime telephone number.

Requests for records should be mailed or emailed to GCMC Compliance Officer:

Conner Fiscarelli  
CEO and Compliance Officer  
Gove County Medical Center  
520 W 5th  
Quinter, KS 67752  
compliance@gcmc.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 require more time to assess record existence, availability, and any fees incurred to produce.

If further delay is required, GCMC will provide it explanation and the earliest date by which it expects to provide determinative response.

A request may be declined in whole or part if:

- The requested records do not exist
- The requested records are exempt from disclosure by the law.
- The request is insufficiently clean in scope

Permission to access public records may 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 the public agency.” See K.S.A. 45-218(e).