



Office of Judicial Administration

Procedures for Requests to Access and Obtain Copies of Court Records

Scope	All Judicial Branch Officers and Employees
Effective Date	August 16, 2016
Revision Date	N/A
Authority (Statute, Rule, etc.)	Supreme Court Rule 1.03(h)(2)
Owner	Public Information Director

Sup. Ct. Rule 1.03(h)(2) provides that the judicial administrator must establish procedures consistent with K.S.A. 45-220 to be followed to request access to and obtain copies of public records from a district or appellate court.

- I. Kansas Open Records Act.** Under the Kansas Open Records Act (KORA), K.S.A. 45-215 *et seq.*, the judicial branch provides full access to public records maintained by the district and appellate courts subject to limitations imposed by statute or Supreme Court rule. KORA also requires that the courts provide help and information to the public to facilitate efficient and timely responses to requests to inspect or copy records. This openness must be balanced against the need to protect records from damage and disorganization, to prevent excessive disruption of the court's essential functions, and to protect records for which access is limited by state or Supreme Court rule.
- II. Official Custodian.** An official custodian identified in Kansas Supreme Court Rule 1.03(h)(1) may also appoint one or more persons responsible to respond to KORA requests. Any reference to official custodian in this guidance also includes an appointee.
- III. Availability.** The official custodian must be available to accept KORA requests during office hours maintained by the court.
- IV. Information Regarding KORA.** On request, the official custodian must provide the: (1) address of the court and its regular office hours; (2) title and business address of the official custodian of court records; (3) schedule of fees charged for access to or copies of court records; and (4) procedures to be followed to request access to and obtain copies of court records.
- V. Requests for Inspection of Records.** The official custodian may require a written request for inspection of court records but must not require a particular form be used. An official custodian must not require any more information than the requester's name and

address, information describing the records sought, and evidence of the requester's right of access to the records. For the requester's convenience, the attached request form, KORA Form 1, will be available on the court's website. Rule 1.03(h)(3). No request must be returned, delayed, or denied because of any technicality unless further information is necessary to determine which records the requester desires or access to the record is restricted. Within three business days from receipt of a KORA request, the official custodian must provide a complete response to the requester or provide a written explanation detailing why the response will be delayed and an estimated completion date.

- VI. Requests for Records for Which Use is Limited.** An official custodian may require proof of identity from a person requesting access to a court record to which access is limited by statute or court order. If access to a record is limited, the official custodian may require the requester provide written certification that the requester has a right to access the record under the applicable limitations and the basis of that right.
- VII. Requests for Records Which May be Used for an Unlawful Purpose.** If the official custodian believes that the information requested could be used for an unlawful purpose, as defined by K.S.A. 45-230, the official custodian may require the requester provide written certification that the requester does not intend to, and will not: (1) use any list of names or addresses contained in or derived from the records for the purpose of selling or offering to sell any property or service to any person listed or to any person who resides at any address listed in the court records; or (2) make available any list of names or addresses contained in or derived from the records to a third party for the purpose of allowing that third party to sell or offer for sell any property or service to any person listed or to any person who resides at any address listed in the court records.
- VIII. Response to Requests for Records.** The official custodian must provide a response to the requester within three business days from receipt of a KORA request. Depending on the nature of the request, the response must provide: (1) a complete response to the requester that lists the information being provided; or (2) a written explanation that details why the response will be delayed and an estimated completion date; or (3) a response listing the information that is available and describing the fees that will be imposed for providing access to the records either through observation or by producing copies; or (4) a response denying the request and stating the basis for denial of access to the requested records.
- IX. Fees for Responding to KORA Requests.** Fees may be imposed to provide access to or furnish copies of public records maintained by the Kansas Supreme Court, Court of Appeals, Office of Judicial Administration, and the clerk of the appellate courts. A district court may also impose these fees if no local rule is established for that district.
- (A) **Fee for Copy.** A 25 cent per page fee may be charged.

(B) **Fee for Certification.** A \$10 fee may be charged for each document certified regardless of page length.

(C) **Fee for Transmitting Documents.** The fee that may be charged to transmit documents follows:

(1) **Picked up in person.** No charge.

(2) **Mailed through First-Class Mail.** A 50 cent fee may be charged for the first five pages and 25 cents for each additional five pages.

(3) **Faxed.** Facsimile transmission is limited to 15 pages. A 50 cent per page fee may be charged. Responses to requests over 15 pages must be picked up in person, emailed, or mailed.

(4) **FedEx, UPS, Priority US Mail, and Similar Services.** Not available.

(5) **Email.** There is no per page fee to email responses. However, a fee may be charged to prepare the documents for emailing. Certified documents cannot be emailed and must be picked up in person or mailed.

(D) **Fee for Preparing Documents.** The fee that may be charged for research and document preparation follows:

(1) **Staff Fee.** A \$20 per hour fee for staff time required to provide access to or furnish copies of records. Time is calculated in quarter-hour increments.

(2) **Professional Employee.** A \$60 per hour fee for time expended by a professional employee – attorney, accountant, computer specialist, or similar employee – to research issues related to a records request. Time is calculated in quarter-hour increments.

(3) **Third Party.** If the official records custodian determines that help from a third party is required to respond, the third party's charges for that help may be imposed.

(E) **Fee Waiver.** The official records custodian may waive any or all fees associated with responding to a request if the official custodian determines that only minimal time or effort is required to respond to the request and copies to be produced number five pages or less.

X. OJA Offers Assistance to Judicial Branch on KORA Requests. The Office of Judicial Administration will continue to provide help to judicial branch personnel who have questions about KORA or who need help responding to an unusual KORA request.

Kansas Open Records Act Request Form for Court Records

Choose one:

- Kansas Supreme Court
- Kansas Court of Appeals
- _____ County District Court
- Other _____

Name (first, middle, last)	
Mailing Address	
City, State, ZIP	
Phone Number	Fax Number
Email Address	
Preferred Method of Receiving Records (check one)	
<input type="checkbox"/> email <input type="checkbox"/> mail <input type="checkbox"/> pick up in person <input type="checkbox"/> fax	
Records Requested (be specific)	
<input type="checkbox"/> I will not use requested information for commercial purposes in violation of K.S.A. 45-230. (See page two)	
Signature	
Date (mm/dd/yy)	
For records custodian use only.	
Estimated cost to reproduce records.	

Deliver this form to the appropriate records custodian. Contact information for judicial branch record custodians may be found on the Kansas judicial branch website at www.kscourts.org.

K.S.A. 45-230. Unlawful use of names derived from public records.

(a) No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except:

(1) Lists of names and addresses from public records of the division of vehicles obtained under K.S.A. 74-2012, and amendments thereto;

(2) lists of names and addresses of persons licensed, registered or issued certificates or permits to practice a profession or vocation may be sold or given to, and received by, an organization of persons who practice that profession or vocation for membership, informational or other purposes related to the practice of the profession or vocation;

(3) lists of names and addresses of persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or given to, and received by, organizations providing professional or vocational educational materials or courses to such persons for the sole purpose of providing such persons with information relating to the availability of such materials or courses;

(4) lists of names, addresses and other information from voter registration lists may be compiled, used, given, received, sold or purchased by any person, as defined in K.S.A. 2014 Supp. 21-5111, and amendments thereto, solely for political campaign or election purposes;

(5) lists of names and addresses from the public records of postsecondary institutions as defined in K.S.A. 74-3201b, and amendments thereto, may be given to, and received and disseminated by such institution's separately incorporated affiliates and supporting organizations, which qualify under section 501(c)(3) of the federal internal revenue code of 1986, for use in the furtherance of the purposes and programs of such institutions and such affiliates and supporting organizations; and

(6) to the extent otherwise authorized by law.

(b) Any person subject to this section who knowingly violates the provisions of this section shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney in a sum set by the court not to exceed \$500 for each violation.

(c) The provisions of this section shall not apply to nor impose any civil liability or penalty upon any public official, public agency or records custodian for granting access to or providing copies of public records or information containing names and addresses, in good faith compliance with the Kansas open records act, to a person who has made a written request for access to such information and has executed a written certification pursuant to subsection (c)(2) of K.S.A. 45-220, and amendments thereto.

(d) This section shall be a part of and supplemental to the Kansas open records act.