

## Manhattan Municipal Court

### POLICY AND PROCEDURE FOR OBTAINING COPIES OF OR ACCESS TO PUBLIC RECORDS PURSUANT TO THE KANSAS OPEN RECORDS ACT- KORA K.S.A. 45-215 *ET SEQ.*

**OFFICE HOURS:** 8 A.M. TO 12 P.M. and 1 P.M. to 5 P.M. Monday - Friday, except official state holidays. Requests received after 5:00 p.m. will not be logged in and processed until the next business day.

**DESIGNATED CUSTODIAN:** Jennifer Holmes, Court Administrator

#### **FEES**

One (1) record request in a twelve month period that can be provided with less than one hour of staff time or which is less than 25 pages will be provided at no charge.

For requests exceeding one hour of staff time or that are more than 25 pages, the following rates shall apply:

- **COPIES** will be charged at .10¢ per page for paper copies.

#### **ADVANCE PAYMENT OF FEES REQUIRED**

The agency will provide the requestor with an estimate of the fees before gathering and processing or providing access to the records. The estimated fees **MUST be paid BEFORE** the agency processes the request or provides access to the requested records.

While we do our best to provide an accurate estimate of the fee, it is possible that the records can be produced for less than the estimated amount. If so, any additional amounts will be refunded.

However, it is also possible that we will discover the estimated fee is low once the actual processing work is started. If we discover that the estimated fee is too low, we will promptly advise the requestor any correction to the fee, and request advance payment of any additional costs before continuing the work.

Payment may be made by check or money order **payable to the Manhattan Municipal Court.**

#### **WRITTEN REQUEST**

To assure that the request is clearly understood, the agency requires requests for access to or copies of records be made in writing. All requests for records must state:

- The requestor's name,
- Mailing address,
- A phone number where the requestor can be contacted, and
- Detailed information about the records being requested. This will help staff in determining if the requested records exist and are in the agency's possession. Requests for records not yet in existence or documents to be created

prospectively cannot be honored.

For the convenience of requestors, a form that may be used to make the request is attached at the end of this policy. This form is not required to be used.

### **FAXING AND AIR EXPRESS DELIVERY**

Generally, records may be faxed if the request is for fewer than 15 pages and fax time and facilities are readily available.

If air express delivery is requested, the requestor **MUST** arrange for pick up and packaging of the records; all associated costs for such delivery **MUST** be paid by the requestor.

The agency records custodian has sole discretion as to whether to honor requests for faxing or express delivery.

### **REQUESTS FOR ELECTRONIC FORMAT RECORDS**

The records custodian will be the sole judge of the ability of the agency to comply with any request for the records to be provided in electronic format or for records that must be produced in any special computer generated format.

### **RESPONSE TIME**

The agency will act upon requests as soon as possible, with some response being made to the requestor no later than the third business day following the receipt of the request. If it appears that additional time will be needed, fees will be assessed, or some of the records may be closed by law, a written response will be provided as soon as the records have been located and reviewed.

## *City of Manhattan Request for Record*

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

(Street)

(City)

(State)

(Zip Code)

**Phone Number:** \_\_\_\_\_

**Email address:** \_\_\_\_\_

### **Certification:**

I hereby certify that neither I, nor any person authorized by me, intends to and will not (a) use any list of names or addresses contained in or derived from the records or information for the purpose of selling, or offering for sale, any property or service to any person listed or to any person who resides at any address listed; or (b) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell, or offer for sale, any property or service to any person listed or to any person who resides at any address listed. Any person who knowing violates this certification shall be liable for the payment of a civil penalty not to exceed \$500.00 for each violation (K.S.A. 45-230).

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**RECORD SOUGHT:** Please provide as much information as you have to help identify the record(s) you desire to inspect. Include name, aliases, date of birth, case numbers, violation dates and charges.

\_\_\_\_\_  
\_\_\_\_\_

There is no charge for copying of audio/video tapes if you supply the tape. Otherwise there is a \$2.00 charge/tape. The charge for your copy(ies) of your request is \$\_\_\_\_\_.

### ***Office use only:***

Date Received \_\_\_\_\_ Date Delivered \_\_\_\_\_  
Time Received \_\_\_\_\_ Time Delivered \_\_\_\_\_  
Received by \_\_\_\_\_

Code of Ordinances - Chapter 2, Article I., Section 2-1

(c) Copying fee:

“A fee of ten cents (\$.10) per page shall be charged for photocopying public records, such fee to cover the cost of labor, materials, and equipment.

For copying any public records which cannot be reproduced by the City’s photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.

(d) Prepayment of fees:

(1) The record custodian may demand prepayment of the fees established by this section whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the copying

charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to delivery of the requested copies.

- (2) Prepayment of copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed ten dollars (\$10.00).
- (3) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.”