



KANSAS
ASSOCIATION OF
COUNTIES

715 SW 10th Avenue • Topeka, KS 66612
785-272-2585 • www.kansascounties.org

Senate Transparency and Ethics Committee
February 14, 2022
SB 386

Kansas Association of Counties
Neutral Testimony

Chairwoman Bowers and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer neutral testimony on SB 386, which would limit fees for copying and staff time under the Kansas Open Records Act (KORA).

The Kansas Association of Counties supports open and transparent government. Most open records requests are fairly simple and do not result in fees being charged because there is little, if any search and/or copy time and effort for these requests. For those types of requests, KAC encourages member counties to simply provide the information at that time at no cost to the requestor.

There are other requests, however, that are more complex and do require staff time to search for the records (or to see if records exist) because the request is complex, confusing, involves multiple departments, or involves records that are potentially protected under KORA. Some of these searches may be handled relatively quickly. Others may be much more time consuming. Counties should be able to charge for search time to ensure that the search is complete and accurate. It is not in the public interest to rush a search and potentially not identify records of interest. KAC would support striking the new language in paragraph (c)(7) of K.S.A. 45-219 to allow counties flexibility when charging for searches. KAC would also ask for clarification in (a)(2) that search time can be compensated.

Case law has stated that staff time for redacting private information can be included in the costs.¹ This is important, particularly as identity theft has increased. Counties have a responsibility to protect the personally identifiable information of all individuals. Ensuring that information is properly redacted prior to turning over records is a critical function of county government. This may often mean that the person that reviews the records is an attorney, rather than a frontline staff person, which can increase costs. The legislature should be aware of this, as this helps protect both employees and the public at large.

Thank you for the time and consideration of these comments. Please feel free to contact KAC with any questions that you may have.

Jay Hall
Deputy Director and General Counsel
Kansas Association of Counties
hall@kansascounties.org
(785)272-2585

¹ *Data Tree, L.L.C. v. Meek*, 279 Kan. 445 (2005).