



Library Services Policies

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Vision Statement

The Dodge City Public Library is a multi-faceted resource center providing materials in various formats and a variety of services to freely meet the continuing informational, recreational and educational needs of a growing, diverse community without regard to race, gender, ethnic origin, age or educational status.

Revised: November 24, 2015

Mission Statement

The mission of the Dodge City Public Library is to provide resources and services necessary to meet the evolving educational, recreational, and informational needs of the community.

Revised: November 24, 2015

Library Bill of Rights

The Dodge City Public Library supports the “Library Bill of Rights,” the interpretations to the Library Bill of Rights and the “Freedom to Read” and the “Freedom to View” statements, as interpreted in the Intellectual Freedom Manual and the Dodge City Public Library policies and procedures.

Revised: November 24, 2015

Public Service Policy

The Dodge City Public Library, as a tax supported institution, has a responsibility to identify a wide range of service that will be offered to the public. Any limitations on service availability should be carefully considered by the staff and directed to the Board of Trustees for approval.

Pursuant of K.S.A. 12-1266 (c)

...to acquire by purchase, gift, or exchange, books, magazines, papers, printed materials, slides, films, pictures, projection equipment, phonograph records and other materials and equipment deemed necessary by the board for the maintenance & extension of modern library services;... (Appendix 1)

The director and staff will maintain free and equal access to information in a democratic society as a basic service to all library users and residents in the area, regardless of age, race, gender, or physical ability, through a variety of methods.

Services frequently requested beyond the basic level are often of beneficial value to residents of the Dodge City community and the surrounding areas in Southwest Kansas. Therefore, requests for extended services will be carefully evaluated and may be offered on a limited basis as funding permits.

Approved: 25 February 1997

Revised: 29 June 2004

Revised 26 January 2010

Operation and Building Use

Service Hours

Service Hours are year-round, with exception for holidays listed:

9:00 a.m. – 7:00 p.m. Monday-Friday

9:00 a.m. – 5:00 p.m. Saturday

Closed Sunday

Holidays

The library will be closed for the following holidays:

January 1	New Year's Day
3 rd Monday in January	Martin Luther King Jr's Birthday
Saturday/Sunday	Easter Weekend
Last Saturday/Sunday/Monday in May	Memorial Day
June 19	Juneteenth

July 4th	Independence Day
Closed until 1:00	Dodge City Days Parade
First Saturday/Sunday/Monday in September	Labor Day
4th Thursday in November & Friday	Thanksgiving Day & Day after Thanksgiving
December 24th	Christmas Eve Day
December 25th	Christmas Day
December 26th	Day after Christmas

The library may close earlier than the regularly scheduled time on the day preceding a holiday closing. Early closing will be announced. All other building closings related to holidays will be accomplished by resolution of the Dodge City Public Library Board. The library may close due to severe weather. Announcement of weather closing will be broadcast in local media.

Approved: 25 February 1997

Revised Section B: 22 April 2003

Revised: 8 June 2021

Revised: 25 July 2024

Meeting Room Policy

The following is the policy adopted by the Dodge City Public Library Board of Trustees for the use of the library's public facilities.

Article VI of the Library Bill of Rights states that such facilities should be made available to the public served by the given library, "on an equitable basis, regardless of the beliefs or affiliation of individuals or groups requesting their use."

The Dodge City Public Library reserves the right to prohibit use of the facilities by those who have, in the past, damaged, created disturbances, or in any way failed to properly use or maintain the facility. Failure to pay the use fee also will eliminate future use of the facilities by that person or private enterprise.

The public meeting rooms are available on a first come-first serve basis. They are reserved for library use before any other group or individual. The Dodge City Public Library also reserves the right to re-arrange meeting room assignments for the most effective use of the spaces. Library Meeting Rooms may only be reserved up to 90 days in advance, and a maximum of 2 reservations are allowed at any given time.

Schedule of Fees

Government Entities/Library Use	Free
Nonprofit Groups/Educational	\$10.00
For Profit Business/Selling	\$50.00

Deposit if serving food and/or doing crafts \$50.00 (returned if room left in good condition)

There is a sliding fee scale for meeting room usage. (Dodge City Public Library, Southwest Kansas Library System, and the City of Dodge City are exempt from this fee.) A fifty dollar (\$50) deposit is required from all individuals and organizations if food or drink will be made available and/or if arts and crafts will take place in the room. All fees associated with the use of the room are to be paid at the time the reservation is made and contract is signed. The reservation will not be considered firm until this time. The \$50 deposit will be returned after the meeting if the meeting room does not require excessive cleaning or repair and all equipment and furnishings are left in a clean and operational condition. The fee will be refunded only if the reservation is cancelled and the library notified at least three days in advance of the reserved date. Reservations and inquiries may be made between 9am and 5pm Monday through Friday.

The library rooms are meeting rooms and are **not** available for social parties i.e. birthdays, showers, dinners, weddings, anniversaries.

A responsible adult supervisor must be in attendance at all times. This adult must accept responsibility for the conduct of the group using the facility, responsibility for the care of the facility and any equipment, and must also guarantee payment of the fees.

The Dodge City Public Library is a **non-smoking facility K.S.A. 21-4009.**

There is a municipal ban on consumption of **alcoholic beverages** on the premises of the Dodge City Public Library. **City of Dodge City, Kansas Municipal Code 3-103.**

NO RED/ORANGE Beverages shall be served.

Any group using the facility assumes full responsibility for personal loss or injury. The library assumes no responsibility of any kind nor provides insurance to cover medical or dental injuries or accidents, hospitalizations and or disability for individuals using the facility. The Library assumes no responsibility for loss or damage to equipment or items brought into the facility or any liability which might arise through use of the facility.

All meeting room use must occur during normal operating hours of the library and be completed at least 30 minutes prior to closing time.

Please be considerate of public library users by keeping noise and the volume of audio presentations at a moderate level during meetings.

Meeting room use shall not conflict with library operation.

Parking for those using the meeting rooms is in the parking lot across the street to the south. The parking lot behind the library building on Third Avenue is for library staff only.

Each group using the facility shall be responsible for satisfying the requirements of the Americans with Disabilities Act.

The activities and programs of the Dodge City Public Library and the Southwest Kansas Library System will have first priority for the use of the library facilities.

Groups using the meeting rooms may not use adhesive tapes on any surface of the room. This includes walls, ceilings, fixtures, furniture, or any other surface. Groups and individuals using the rooms will be billed for the labor to return room to original condition and for the damage to any surface.

The room is not considered reserved until all fees are paid and the contract signed.

In exchange for the use of the facility, the renter is responsible for the following:

Paying the room fee prior to use

Making the deposit (\$50) if food or drink will be available during the meeting or if arts and craft projects will take place in meeting room.

Setting up any needed chairs and tables

Replacing chairs on chair dollies and putting away tables after use

Cleaning kitchen facilities after use

Vacuuming carpet - There are vacuum cleaners in the meeting room downstairs and in the storage closet of the Lois Flanagan Room upstairs

Checking and straightening restrooms

Securing windows and exterior doors

Removing trash - Trash can liners are provided for your convenience.

Rooms available:

Lois Flanagan Room: located on main level; kitchen facilities available include a sink, refrigerator and microwave. The library does not furnish coffee pots or other serving items

People: 125 with chairs only, 90 with tables and chairs

Lower Level Meeting Room: located on the lower level, elevator accessible, no kitchen facilities available.

People: 160 with chairs only, 140 with tables and chairs

See Appendix For Meeting Room Contract

Approved: 25 February 1997

Revised Section C: 26 April 2005, January 2007, 24 April 2007, 27 November 2007

Revised Sections C & D: 26 January 2010

Revised: December 7, 2020

Display Case Use

The Dodge City Public Library makes available designated display and exhibit areas to individuals and non-profit organizations engaged in educational, cultural, intellectual, or charitable activities as a part of its public service and information mission. The library is not responsible for lost, stolen or damaged items.

The views presented in the displays are those of the exhibiting organization and are not necessarily those of the library at the discretion of the library staff.

Approved: 25 February 1997

Revised Sections C & D: 26 January 2010

Signs and Announcements

Community poster announcements of community events and activities may be posted in the front lobby of the library.

Approved: 25 February 1997

Americans with Disabilities Act Compliance

The provisions of the Americans with Disabilities Act of 1990 will be upheld to the full extent reasonable and practical. The facility provides accessibility to public restrooms, all floors of the building, marked parking, and, by personal assistance of staff, all materials and services available.

Approved: 25 February 1997

Service Animals and Pets

Dodge City Public Library observes the ADA guidelines on service animals in the library. Service animals are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets. The library staff may ask if an animal is a service animal or ask what tasks the animal has been trained to perform. The library staff may ask that a service animal be removed from the premises if (1) the animal is out of control and the animal's owner does not take effective action to control it or (2) the animal poses a direct threat to the health or safety of others.

Other animals including pets will not be allowed into the library unless the library is holding a program in which the owner of the animal and the animal or service animal is part of the program. Example: program on rescue animals or a program provided by a zoo. Library staff may have aquariums in their work areas if approved by the director.

(Appendix 10)

Approved Section G: 26 April 2011

Security Cameras

Dodge City Public Library strives to maintain a safe and secure environment for its staff and patrons. Some areas of the library premises may be equipped with video cameras that are recording at all times. Signage may be posted at the library disclosing this activity. The library's security system will be used only for the purpose of protection and safety of patrons, employees, property and to assist law enforcement.

Reasonable efforts shall be made to safeguard the privacy of customers and employees. Video cameras will not be positioned in areas where there is a reasonable expectation of personal privacy such as restrooms and will not be used to view a patron's reading, viewing or listening activities.

Only the Director or employees designated by the Director are authorized to operate the video security system. Employees are to comply with this policy and shall not violate any laws relevant to this policy (including but not limited to all laws pertaining to privacy rights) in performing their duties and functions related to the video security system.

A log will be maintained with name, date, time and reason when investigating an incident; pursuant to a subpoena.

Video records may be used to identify the person/persons responsible for library policy violations, criminal activity, or actions not in accordance with the Problem/Disruptive Behavior Policy (Dodge City Public Library Public Service Policy\IV. Patron Relations\A. Problem/Disruptive Behavior).

Approved Section H: 28 February 2017

Inventory of Property

Library administration shall keep an inventory and review annually any property valued over \$500.

Approved Section I: 23 May 2017

Registration for Use of Materials

Residents

1. Any Kansas resident may obtain a Dodge City Public Library Card at no charge by completing a written application, providing valid proof of identification with current address, and by agreeing to abide by the circulation policies of the Library. The library card must be presented to check out any items.
2. Proof of residence may include a driver's license, and postmarked bill or other mail with current address, rent receipt, student I.D., school record, or other similar item.
3. Youth under the age of 18 must be accompanied by a parent or guardian who will complete the application as stated in guideline number one.

4. Dodge City Public Library does have a reciprocal borrowing agreement with Dodge City Community College. Those having a DCCC ID may use that to check out materials.
5. If a library card is lost or stolen the library should be informed immediately. Library card holders are responsible for materials checked out on their library card unless the library has been notified the card is missing. There is a \$1.00 fee charged to replace a card. If a copy of a police report is shown to the library staff stating the library card has been stolen the fee is waived.
6. A Dodge City Public Library card holder is responsible for making sure that materials borrowed on his or her card are returned on time and in good condition. Borrowing privileges may be suspended for failure to return materials or pay fines. Library card holders will be charged for, damaged materials and lost materials.

Non-residents

Out of state patrons may obtain a card for \$25 annually.

Kansas Library Card Issuance

The library participates in the Kansas Library Card Program for use of electronic resources from any computer with Internet access. When requesting a Kansas Library Card a valid identification is required.

Approved: 25 February 1997

Revised: 29 June 1994

Revised: 25 October 2006

Revised Section A: 26 January 2010

Revised 23 March 2021

Circulation

Loans and Loan Periods

1. Any registered borrower with a valid ID number may check out circulating materials. The registered holder must be present to check out materials unless previous arrangements have been made. If the person does not have a library ID at the time of check out the person must have proper identification.
2. Patrons are limited to a total of 20 items checked out per card at any time. Some item types also have a limit on number of items that can be checked out. Exceptions may be granted by the Circulation Supervisor.
3. Under special circumstances loan periods can be negotiated
4. Loan periods (some items may have limitations on number of items):

Item Type	Loan Period	Max Renewals, unless on hold	Checkout Limit Per Card	Reserve Limit per card
Books, Excluding Reference	3 Weeks	2		
Reference Books	In House Use Only			
Current Issue of Magazines	In House Use Only			
Past Issues of Magazines	3 Weeks	2		

Audiobooks, including CD and Playaway	3 Weeks	2		
DVD's & Blu-rays	1 week	1	5	2
Videogames	1 week	1	5	2
Newspapers	In House Use Only			
InterLibrary Loan Materials	Determined by Lending Library	No renewals available		
Total Limits per card, unless otherwise noted			20	5

Revised Sections A, F, G, H, I, L: 26 January 2010

Revised Section A: 18 December 2012

Revised Sections A & B: 27 January 2015

Revised Sections A & K: 23 August 2016

Due Date Notification, Renewal Availability, and Overdue Procedures

1. All patrons receive a receipt with items and due dates at the time of checkout, if desired, patrons can also receive due date receipts via email by requesting this at a service desk, and providing a valid email address.
2. If desired, patrons can sign up to receive pre-due warnings via email or text message from the library approximately 3 days before an item is due.
3. Those receiving text message notifications have the ability to renew eligible items via text message. For complete details on this service and how to use it, please inquire at any service desk.
4. Items are due by the closing time of the library on the date due.
5. Patrons with overdue materials on their card may have borrowing privileges suspended until overdue items are returned.
6. Patrons with lost or damages fees in excess of \$10.00 will have borrowing privileges suspended until the balance is brought below \$10.00. We will work with patrons needing to pay fees in installments if needed.
7. All items that are 30 days past their due date will be considered lost and will be billed to the patrons account. A letter will be mailed to the address on file with the cost of the item(s).

Waiting List Items

1. Circulating items may be placed on a waiting list.
2. A limit of two videos or DVDs per library ID may be put on a waiting list.
3. Items must be picked up within 3 days after telephone notification. If not picked up within the 3 day period it will go to the next person on the list or returned to shelves for circulation.

4. Patrons may place items on a waiting list in person, by phone, by email or online using their library ID number.
5. Items on a waiting list cannot be renewed.
6. In the event a patron already has the maximum # of items on reserve, and has requested the library purchase a new title, the new item may be shelved if it would go over the maximum number of reserves.
7. We encourage patrons to sign up for text or email notification on reserves, to find out if you are signed up, please inquire at a service desk.

Teacher Cards

The Library offers bulk loans to teachers and daycare providers. The teacher/provider may make a separate account from their personal account. Teacher cards allow for 50 items to checkout. A current business address and business phone must be attached to the card. Proof of employment at the school/daycare such as a teacher ID, paystub, or license must be provided. Teachers needing materials on particular subject or content areas are welcome to email the library at _____ to ask library staff to pull books. 72 hours notice before pickup is appreciated to allow time to pull materials. Teacher cards are also granted longer loan periods on books.

Revised Sections A, F, G, H, I, L: 26 January 2010

Lost, Damaged and/or Replacement of Materials

1. Overdue, lost or damaged materials fees may be adopted or changed only by the Dodge City Public Library Board of Trustees.
2. Borrowers who fail to return items within 30 days after the due date will be billed for retail cost of the item with titles and costs listed in a letter mailed to address on file.
3. Library selection and purchasing aides will be used to determine cost of lost and damaged items that cannot be returned to the collection.
4. For a lost item found and returned in acceptable condition within six months after payment is made, the library will refund the cost of the item. Patron must bring in a receipt as proof of payment.
5. Damaged books which can be repaired will be charged an appropriate fee determined by the Library Director and Circulation Supervisor.
6. In the event a damaged book cannot be repaired to make it useable again the patron will be charged replacement cost of the item.
7. Lost or damaged materials must be paid for prior to reinstatement of borrowing privileges.
8. For those items for which no replacement cost is available the default replacement costs are as follows:
 - Music CDs: \$15.00
 - Adult hardcover book: \$30.00
 - Picture book: \$20.00
 - Youth hardcover book: \$20.00
 - Paperback book: \$10.00

- Reference book: \$75.00
- Magazine: \$5.00
- Audiobook on CD or cassette: \$60.00
- DVDs: \$20.00
- Blu-Ray: \$25.00
- Video Games: \$50.00
- Play-a-ways: \$75.00
- Interlibrary loan item: price set by lending library
- As new formats are added to the collection, their replacement cost will be determined by library staff at that time then referred to the Board for their approval on a yearly basis

Revised Sections A, F, G, H, I, L: 26 January 2010

Interlibrary Loan

Interlibrary Loan (ILL) is the borrowing of materials from other libraries that DCPL does not own. This service is free for any DCPL patron in good standing. If the lending library charges this cost may be passed on to the patron.

Revised Sections A, F, G, H, I, L: 26 January 2010

Confidentiality of Patron Records

1. Patron records are confidential and not open to public. (appendix 5)
2. Outside inquiries regarding a patron's registration and charge records will be referred to the Library Director. No records may be made available to anyone without the director's approval. Patron registration information is exempt from required disclosure pursuant to the Kansas Open Records Act, K.S.A. 45-221, and should only be released upon the receipt of a valid court order or subpoena authorized under local, state, or federal law. (Appendix 5).
3. Parents, after proper presentation of valid identification, may obtain the current status of their child's circulation record providing that the child is under the age of 18.
4. Library staff will not disclose information regarding patrons' use or frequency of use of the library with respect to information sought and received, except under valid court order or subpoena authorized under local, state, or federal law.

Equipment Use

1. The library provides a wide variety of audiovisual equipment for use in the library and for borrowing. Other equipment is also available for use by individuals or with the assistance of staff.
2. There is no charge for the use of audiovisual equipment.

3. Reservations for use of the equipment may be made in person or by calling the library. Equipment is available on a first come, first serve basis. No registration number is required for reservation of equipment used on the library's premises.
4. The library has a microphone and speakers for use on the premises only.
5. Copy machine use requires a fee of .10 per side Black & White Copies, and .50 per side of Color Copies.
6. Public fax requires staff assistance and a fee of \$1.00/page to send with a maximum of \$10 per fax number. Receiving of facsimile documents is not available at this time. International faxes are \$7.00 per page.
7. Computers: see Technology Use Policy for Patrons (Appendix 6)

Approved: 25 February 1997

Revised: 29 June 2004

Revised Sections A, F, G, H, I, L: 26 January 2010

Revised 23 March 2021

Collection Development Policy

I. Purpose Statement

The collection development policy exists to guide librarians in selecting materials and to inform the public about the principles behind collection development decisions.

Collection development refers to the decision to add materials to the collection, retain materials already in the collection, withdraw materials from the collection, and choose materials for library programs, promotions, and professional development to increase both the quality and quantity of the entire collection.

Materials selected for the collection will meet both the current and long-term needs of Dodge City and area residents of all ages and abilities for information, education, culture, and recreation. The library staff strives to offer the widest possible range of subjects and views in varying formats and reading levels, within budget and space, and in consideration of current holdings and demand.

II. Material Selection Guidelines

- Must adhere to the library's mission statement and chosen roles for service.
- Must be of adequate cost to acquire and/or maintain the material.
- Merits of a work must be in relation to the needs and interests of the community.
- Must not attempt to duplicate the resources of larger research institutions.
- May meet the popular demand, particularly concerning books on bestseller lists for which there is persistent local demand.
- Professional reviews in periodicals and online may be used as a basis for evaluation in conjunction with publishers' catalogs and advertisements.
- Must meet the basic principles of the Library Bill of Rights, Freedom to Read and Freedom to View statements adopted by the American Library Association (ALA):
- <http://www.ala.org/advocacy/intfreedom/librarybill>

- <http://www.ala.org/advocacy/intfreedom/statementspols>
- Every effort will be made to represent all points of view.
- Purchasing materials for the collection does not include endorsement of their contents by the staff of the library.
- Patron suggestions for materials selection will be taken into consideration within the parameters of the Collection Development Policy, budget, and physical space.

III. Access

- Censorship is a purely individual matter. While an individual or group is free to reject material, no library staff person shall restrict access to the rest of the community.
- Selection of materials is not restricted by the possibility that children may obtain materials their parents may consider inappropriate. While materials are shelved by recommended age, patrons of any age may use materials in all sections of the library (see ALA Bill of Rights, Article V). Responsibility for children rests solely with their parents or legal guardians.

IV. Selection Responsibility

- Responsibility for collection development lies with librarians who apply professional knowledge, experience, and the criteria of this policy to making selection decisions for the library.
- Formats may include but not be limited to: fiction and non-fiction print materials for all ages, magazines and newspapers, DVDs, audiobooks, electronic content, and digital databases. Evolving formats will be identified and added as technology changes, reliability and availability improve and patron demand increases.

V. Collection Maintenance

- To ensure that the library's collection remains up-to-date and relevant to the community's needs, it is the responsibility of the selectors to reevaluate, on a regular basis, the usefulness of materials held in the collection.
- Selectors will remove materials from the collection as they become out-of-date, badly worn, damaged or are no longer being used. Space, cost of replacement, and appearance of the collection are also factors. Locally significant materials are not held to these standards and are generally retained. Materials withdrawn from the Dodge City Public Library may be sold in book sales or recycled.

VI. Reconsideration of Materials Procedure

- The Library Board recognizes that the diversity of the collection may offend some patrons that will result in complaints. While it is our wish to discuss the complaint with the patron and resolve the matter, the following procedure has been developed to hear those complaints in a formal session if needed:
 - The individual or group wishing to protest the presence of an item in the collection will contact the Director in writing. The Director, upon receiving the complaint, will send a written response to the complainant within ten (10) days of receipt.
 - If the complainant wishes to carry his/her objections further, a Reconsideration of Library Materials Request Form will be filled out and signed. The party making the complaint must be eligible to receive a Dodge City Public Library card and have read, listened to, or watched the entire material in question.

- The written complaint will be taken to the Library Board of Trustees at their regularly scheduled meeting. The complainant may appear before the Board if desired. The Board will reply within thirty (30) days in a written response. No item shall be removed from the library collection without a court order if the Board of Trustees and Director deem it appropriate for the collection. See Appendix 3 for Form.

VII. Gifts & Donations

- Gifts are vital to the establishment and growth of the Library. The Library retains unconditional ownership of any accepted gift. Any gift considered by the Library for inclusion into the Library's collection must meet the same selection criteria as purchased materials. The Library staff further reserves the right to decline gifts and to decide when a gift added to the collection will be withdrawn.
- Donations may include library materials and monetary gifts. Monetary gifts are extremely useful in supplementing the Library's budget. Gifts may be given to be used at the discretion of Library Administration for programs and services currently in greatest need. While gifts are not accepted with stipulations, Library staff will consider the interests of the donors in determining how to use monetary gifts that may be designated by the donor for specific purposes within the library's programming, collection, and services criteria.
- Gifts are tax-deductible but Library staff may not set fair market or appraisal values for donated materials. Receipts are available upon request.
- Materials may be donated only in formats that are also available in the library including but not limited to: print books, unabridged audiobooks on CD, and DVDs. Donations of magazine subscriptions can be designated by either the donor or the library staff.
- Materials with the following conditions will not be accepted:
 - Moldy/musty with strong odor or water damage
 - Dirty (greasy, food stained, insect infested, etc.)
 - Marked by pens, pencils, crayons or highlighters
 - Physically damaged (i.e. broken bindings, loose/torn pages, or damaged covers/cases)
- The library is unable to accept:
 - Textbooks/Medical books
 - Condensed Books (for example, Readers Digest Condensed Books) or abridged audiobooks.
 - Nonfiction titles over five-years-old
 - VHS tapes, audio tapes, or music CDs
 - Materials weeded from other libraries
 - Single or back donated issues of magazines (these may be put in the magazine give away)

Approved: August 2022

Patron Relations

Problem/Disruptive Behavior

- A. A patron whose behavior is disruptive to the use of the library by other patrons and staff may be asked to leave the library premises.
- B. A patron who refuses to leave under these circumstances is trespassing. The staff member handling the situation may seek assistance from the police if deemed necessary.
- C. The following is the DCPL Code of Behavior:
 - 1. Alcoholic beverages and illegal drugs are not permitted in the library or on the premises.
 - 2. Firearms and other weapons are restricted per the Personal and Family Protection Act.
 - 3. Smoking and/or chewing tobacco is not permitted in the library as per city ordinance 3459. E-cigarettes and vaping devices are not permitted in the building.
 - 4. Unruly, disruptive or disrespectful behavior to library users and staff is not permitted.
 - 5. Behavior considered to be harassing or discriminatory is not permitted.
 - 6. Abusive and/or obscene language is not permitted.
 - 7. Shoes and shirt must be worn at all times in the library.
 - 8. Roller blades, roller-skates and skateboards are not permitted on library property.
 - 9. Bicycles must be parked in the bike rack provided in the front of the library.
 - 10. Blocking library entrance is prohibited.
 - 11. Damage to or theft of library property or materials, or abuse to library users and staff may result in denial or limitation of library privileges.
 - 12. Service Animals will be allowed in the library. Pets are not allowed in the library and shall not be tethered outside the entrance of the library. (Appendix 6)
 - 13. Soliciting funds (except for those authorized by the library director) or panhandling is not permitted.
 - 14. Campaigning, petitioning, interviewing or surveying (except for those authorized by the library director) of library patrons or staff is not permitted.
- D. An incident report will be filed by the staff member handling any situation within two working days of the date the incident occurred.

Approved: 25 February 1997

Revised: 29 June 2004

Revised Section A: 19 December 2006

Revised Section A: 26 January 2010

Revised Section A and B: 28 March 2017

Revised Section A: 22 August 2017

Revised Section A: 28 November 2017

Behavior Standards and Unattended Children

- 1. The assistance of parents and staff is essential in making the Dodge City Public Library a welcome and enjoyable place for children.
- 2. Parents, not library staff, are responsible for the behavior and safety of children and for monitoring their child's behavior. If a child is causing a disturbance or harming library property

or materials, the parent will be asked to correct the behavior. If the behavior continues, both the parent and the child may be asked to leave the library.

3. The Dodge City Public Library assumes no responsibility for children left unattended on library premises, or for children whose parents are in other areas of the library.
4. To help ensure the safety and security of children, parents/caregivers are required to supervise children age 8 and younger while at the library. Parents/ caregivers must be in the library and easy to locate. A care giver must be a minimum of twelve years old and actively demonstrating responsibility for the child he/she is caring for
5. Staff will not agree to a parent's request to "keep an eye on" a child, nor will staff allow a parent to order a child to remain unattended in the library.
6. Staff will report to their supervisor any incident involving a disruptive unattended child or a situation where a child's safety is in question.
7. Children who are left unattended and behave in a disruptive or harmful manner will be asked to leave. If the child is unable to go home alone staff will attempt...
 - a. To contact a parent or guardian,
 - b. To call the police for assistance.
8. If children are left unattended at the close of the library day and no parent or guardian is available, authorities will be notified.
9. Children with special needs, related to physical or mental ability, shall be supervised at all times.
10. In the case of bad weather parents are encouraged to call ahead at 225-0248 to see if the library is open and scheduled events will take place. Cancellations will be announced through the broadcast media when possible.

Approved: 25 February 1997

Revised: 29 June 2004

Revised Section A and B: 28 March 201

Picketing and Protest

Any picketing on library property will follow KSA 44-617 including penalties for violations.

Demonstrators and picketers are responsible for following all laws, including municipal rules, local ordinances, and regulations. (Appendix 7

Approved: 25 February 1997

Revised: 29 June 2004

Smoking

To support the health and well-being of our employees and patrons, Dodge City Public Library is committed to providing a smoke-free environment in the workplace.

In accordance with the Kansas Clean Indoor Air Act (2010 House Bill 2221), the Dodge City Public Library shall adhere to the following policy.

No smoking is permitted anywhere inside or outside (within a 10-foot radius of any doorway, open window, or air intake) of Dodge City Public Library. No smoking is permitted at any location that signage prohibits smoking.

Approved: 25 February 1997

Revised: 29 June 2004

Gifts and Donations

General Statement

The library is grateful for material gifts and cash donations. The collection has been greatly enriched by many such contributions.

The library reserves the right to refuse any item gifted to its collection or use. All such material gifts must meet the materials and facilities selection policies of the library. Gifts which do not meet such standards and policies may be disposed of by the library in accordance with established policy.

The library refuses deposits to the collection which are not outright gifts. The library will use cash donations in a manner which best serves the library and its users. Should cash donations be made accompanied by requests for purchase of specific items, the library's selection policy shall apply. If the specific request does not meet the selection standard, substitutes shall be suggested by the appropriate staff member. Should the donor choose not to accept the item suggested for substitution, the donor may request the return of the gift. The request, if promptly made, shall be honored by the library.

Acceptance

Gifts may be accepted by the Director providing the aforementioned conditions are met. All gifts will be reported to the Board of Trustees.

Gifts of items not covered by written selection policies shall be considered by the Library Board of Trustees prior to acceptance of said gifts.

Purchases

Methods of purchasing shall conform to those of good business and library practice. Comparative prices will be considered in regard to purchases; taking into consideration quantity, quality, materials, and adaptability to the specific needs and use to be made of each item. It is the desire of the Library Board and staff to expend funds available in the wisest manner possible to meet the needs of our community.

The Library Director will have the responsibility of approving and making the necessary purchases for the library's operation in accordance with the budget and general expenditure procedures for other funds.

Receipt

A statement of receipt shall be issued if requested for any gift but tax deduction statements and appraisals of the value of gifts cannot be made.

Types of Gifts and Donations

Gifts and donations to the library can be given:

- As a memorial
- A donation or gift
- A perpetual/endowed gift: these should be given through a Foundation with 501(c)3 status such as the library's Foundation Board
- To the Dodge City Public Library Foundation which shall then administer the funds
- To the Dodge City Friends of the Library which shall then administer the funds

Recognition of Gifts and Donations

Memorials received in an amount of \$200.00 or more: the person's name shall be placed on the memorial plaque. For furniture purchased with memorial funds, the person's name shall be placed on a plaque on the item.

Gifts and donations, other than memorials, in an amount of \$200.00 or more shall have the name of the donor placed on the donation plaque.

Perpetual/endowed gifts shall be recognized by means determined by the Board of Trustees and the Foundation handling the funds.

Gifts to the library's Foundation Board shall be recognized by means determined by the Foundation.

Gifts to the Friends of the Library Board shall be recognized by means determined by the Friends Board.

(Appendix 8)

Approved: 25 February 1997

Revised: 29 June 2004

Revised: 27 March 2007

Lost and Found

General Statement

Inquiries regarding lost items may be made at the circulation desk. The staff will make every effort to assist those who have left items in a public area of the library. When found, lost items will be tagged with note stating *time/date/place found in library* and placed in the Lost and Found Box or Safe. Items will be kept for a period of one month and then will be donated or disposed of. A committee of three library staff members will check the items and make the decision on how best to donate or dispose of the items. The library staff cannot be responsible for items left in public areas of the library.

Approved: 25 February 1997

Revised 29 June 2004

Revised: 23 October 2007

Public Records

Patron Records

Patron registration and circulation records are confidential. The library follows all requirements for public records under state and federal laws. (Appendix 5)

Retention and Disposition of Library Records

See (Appendix 9)

Open Records

See K.S.A. 45-215 et. al. (Appendix 5)

Approved: 25 February 1997

Revised: 29 June 2004

Capital Improvement

General Statement

Pursuant to K.S.A. 12-1258 the Dodge City Public Library Board of Trustees established a Capital Improvement Fund on November 19, 1996. Funds will be allocated as available on an annual basis and according to state for major capital improvements projects.

Approved: 25 February 1997

Suggestions and Complaints

Suggestions

The suggestion box for the public is maintained by the library and all library users are encouraged to make suggestions which would enhance the services and collection of Dodge City Public Library. The staff will make every effort to act upon those suggestions which improve library services. The library director has an Open Door policy and welcomes comments from the public.

Complaints

Complaints regarding services, the collection, or staff may be directed to any supervisor or other library administrator. Library users with complaints may provide written explanation of the concern. The library director will be informed of all complaints. The suggestions and complaints of library users are taken seriously by the director and the Board of Trustees. They are critically examined when making judgments regarding improved library service.

Approved: 25 February 1997

Revised 29 June 2004

Appendix 1

12-1266. Same; powers and duties of board; annual payments to certain libraries. The board shall have the power:

- (a) To make and adopt rules and regulations for the administration of the library;
- (b) to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library;
- (c) to acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records and other material and equipment deemed necessary by the board for the maintenance and extension of modern library service;
- (d) to employ a librarian and such other employees as the board deems necessary and to remove them and to fix their compensation;
- (e) to establish and maintain a library or libraries and traveling library service within the district or within any other municipality with which service contract arrangements have been made;
- (f) to contract with other libraries or with the governing body of a municipality for the furnishing of library service to the inhabitants of such municipality to the extent and upon such terms as may be agreed upon, and to contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library;
- (g) to receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing library service;
- (h) to receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof. If no provisions are specified, the board shall have the power to hold, invest or reinvest the gift and any dividends, interest, rent or income derived from the gift in the manner the board deems will best serve the interests of the library;
- (i) to make annual reports to the state librarian and the governing body of the city and county on or before January 31 of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to library materials acquired and on hand, number of library users, library services available, and other information of general interest as the governing body requires;
- (j) to place money received from sources other than a tax levy for library purposes in a separate fund or funds or in the fund to which the tax levy money is credited unless the grantor or donor directs how and for what purpose the money shall be handled and spent; and
- (k) subject to the provisions of subsection (f), the board shall pay annually to the Rossville public library and to the Silver Lake public library a sum of money equal to 50% of the amount of money each such library has budgeted for the annual operation and maintenance of such library. The first such payment shall be made payable and delivered to the Rossville public library and to the Silver Lake public library on or before the 31st day of December first following approval of the creation of the district at the election conducted pursuant to K.S.A. [12-1261](#), and each year thereafter. Such payments shall be in lieu of annual grants such township libraries receive from the northeast Kansas library system.

History: L. 1992, ch. 133, § 7; July 1.

12-1267. Same; annual budget; tax levy to support library; procedure to increase levy. (a) The board shall prepare, publish and approve an annual budget for the maintenance and support of the library and may levy a tax not to exceed five mills on all taxable tangible property in the library district. At least 10 days prior to filing the adopted budget with the county clerk, the board shall submit the budget to the governing body of the city and county for review thereby.

(b) Whenever the board determines that the tax levy of five mills authorized by subsection (a) is insufficient to maintain and support the library, the board shall adopt a resolution declaring it necessary to increase the annual levy by an additional amount not to exceed $\frac{1}{4}$ mill in any one year up to a total amount which shall not exceed an amount equal to eight mills in any year.

(c) Any such resolution adopted under subsection (b) shall state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official county newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition, signed by at least 5% of the qualified electors of the library district, requesting an election upon the proposition to increase the tax levy in excess of the current tax levy is filed with the county election officer within 60 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the electors of the library district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law. Such taxes shall be levied and collected in like manner as other taxes, which levy the board shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the treasurer of such board.

(d) The levy authorized by this section shall not be deemed a levy of the city or county, and shall be in addition to all other levies authorized or limited by law.

History: L. 1992, ch. 133, § 8; July 1.

Appendix 2-Library Meeting Room Contract

Dodge City Public Library Meeting Room Contract

The Dodge City Public Library reserves the right to rearrange meeting room assignments and has priority for their meetings or Southwest Kansas Library System meetings.

Schedule of Fees

- Government Entities/Library Use - Free
- Nonprofit Groups/Educational - \$10.00
- For Profit Business/Selling - \$50.00
- Refundable deposit if serving food and/or doing crafts - \$50

If food or drink is served, or if arts and craft projects take place, a \$50.00 refundable deposit is required *at the time the contract is signed*. Any damage or excessive cleaning will be deducted from the \$50 deposit. The renter is responsible for and will be billed for any damage or excessive cleaning needed after using the facilities.***

Reserving party responsibilities include:

- Making the deposit (\$50) if food or drink will be available during the meeting or if arts and craft projects will take place in meeting room.
- Setting up any needed chairs and tables
 - *****Please do not drag furniture across the floor in Lois Flanagan Room to avoid scratching flooring.**
- Replacing chairs on chair dollies and putting away tables after use
- Cleaning kitchenette facilities after use (Lois Flanagan Room)
- Vacuuming carpet - There are vacuum cleaners in the meeting rooms downstairs
- Checking and straightening restrooms (Lois Flanagan Room)
- Securing windows and exterior doors
- Each room has a large trash can. Please utilize to dispose of trash.
- No red/orange beverages are allowed
- No use of adhesive tapes of any kind on any surface of the room. This includes walls, ceilings, fixtures, furniture, or any other surface.
- The room use fee will be refunded only if the reservation is cancelled and the library is notified at least three days in advance of the reserved date.
- DCPL logo may not be used on any advertisements for meetings/events held in meeting rooms unless the library is a sponsor. Use of the library logo without permission may result in forfeiture of rental and a loss of meeting room privileges. All flyers advertising an event not sponsored by the library should have the following: **Not affiliated with Dodge City Public Library.*

Revised 02/17/2025

Meeting Room Preference: *Lois Flanagan Room* _____ *Lower-Level Meeting Room* _____

Date(s) Reserved _____ Time _____

Organization _____

Name _____ Day Telephone _____

Cell Phone _____

Address _____ City _____ State _____

Payment for rooms must be received prior to meeting room use unless otherwise agreed upon with the Executive Director. If you need an invoice for meeting room fees, please contact the library.

I have read and fully agree to abide by the Meeting Room Policy. Failure to abide by the policy may result in forfeiture of future room privilege. By signing this document, I accept and agree to abide by the policy set by the Dodge City Public Library Board of Trustees.

Signature: _____

Date signed: _____

Room Use Fee Total _____

- Check (Check # if applicable _____)
- Cash
- Credit/Debit Card

Date Paid _____

Refundable Deposit **\$50** _____

- No food/drinks/crafts | No deposit required
- Check (Check # if applicable _____)
- Cash
- Credit/Debit Card

Date paid _____ Date returned** _____

***The Dodge City Public Library will return deposits from 9 a.m. to 5 p.m. Monday - Friday only.*

DCPL Staff Initials | Date _____

Appendix 3—Materials Reconsideration Form

Reconsideration of Materials Request Form

Dodge City Public Library

Statement of Concern Regarding Library Resources

The Dodge City Public Library adheres to the principles of intellectual freedom outlined in the Library Bill of Rights, the Freedom to Read Statement, and the Freedom to View Statement put forth by the American Library Association.

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone Number _____

Individual represents: _____ Self or Dependent (circle one)

Name of Organization (if applicable): _____

1. Title of material on which you are commenting:

2. Did you read, view, listen to and/or use the entire resource? Yes () No ()

(See Collection Development Policy)

3. Page number(s)/chapter(s)/tract(s) of objectionable material or specific examples:

4. Reasons you find this resource objectionable:

5. What do you believe is the theme of the resource?

6. What do you request Library Board of Trustees do with this resource?

7. What resource(s) do you suggest to provide additional information on this topic?

8. What review(s) have you seen of this resource?

9. Is there anything you like about this resource?

10. Additional Comments

Appendix 4—Technology Use Policy (Patrons)

Introduction

Computer use includes the management of computer data networks and the resources they make available, as well as stand-alone and mobile computers that are owned by the Dodge City Public Library. This policy reflects the ethical principles of the Dodge City Public Library and indicates, in general, the privileges and responsibilities of library patrons and staff.

Mission

The mission of the Dodge City Public Library is to provide free, open and equal access to information, ideas and materials to all members of the community.

Usage Information

Users that access networks outside of the Dodge City Public Library will abide by the same policy as the procedures that are established by its administrators and staff of our network and facilities.

The use of the computers at Dodge City public library to access the internet (wired or wireless) is a privilege and access is voluntary.

Limitations

Patrons using computers are limited to 60 minutes if all stations are in use and another patron requests a computer.

If a patron must give up their computer for another patron, the patron may access the next available open computer or be added to the wait list after waiting for 30 minutes.

Patrons misusing the computers or internet may be blocked or barred from using the computer and internet until the patron is in good standing.

Privacy Statement

Generally the information stored on Dodge City Public Library computers and its resources is treated as confidential.

Information used on web sites, however, is subject to the individual web site's privacy statement.

Request for disclosure of information will be honored under the following conditions:

- When approved by library administrator;
- When authorized by owners of information;
- When required by federal, state, or local law.

Patrons will be given prior notice of such disclosure unless it is inappropriate.

Users need to be aware that electronic e-mail and chat is not a secure means of communication and is vulnerable to unauthorized access and modification.

User Responsibility

The patron is responsible for the correct use of tools available for maintaining the security of the information on the computer. The following precautions are strongly recommended:

- Information such as card numbers and pin numbers should not be shared with others.
- Patrons should request that their pin number be changed periodically.
- Patrons should be aware that files and information are not 100% secure.
- Patrons should be aware of computer viruses and other destructive programs and should take precautions to protect themselves from becoming a victim of such attacks.

It is the patron's responsibility for the resolution of problems related to improper use, loss of data, the invasion of privacy, or personal injury. The Dodge City Public Library ASSUMES no liability for loss or damage to patron's data or for any personal injury arising from invasion of privacy.

Legal Use

The public and staff may only use computing resources for legal purposes. Unacceptable use includes but is not limited to the following examples:

- Harassment of other patrons or staff.
- Libeling or slandering other patrons or staff.
- Destruction to equipment, software, or data belonging to Dodge City Public Library.
- Disruption or unauthorized monitoring of electronic communications.
- Unauthorized copying of copyright-protected materials.
- Conducting illegal activities of any kind.

Ethical Use

Library computing resources are to be used in accordance with the library's ethical standards. Unacceptable use (some of which may have legal consequences) includes but is not limited to the following examples:

- Violation of computer system security;
- Unauthorized use of computer systems, access codes, network identification numbers assigned to others;
- Use of computer communications facilities in ways unnecessarily impeding the computing activities of others, such as randomly initiating electronic communications (chat) or e-mail exchanges (spam), overuse of interactive network utilities, and so forth;
- Violation of software license agreements
- Violation of network usage policy and regulations.
- Violation of another patron's privacy.

Cooperative Use

The Dodge City public Library endorses the practice of cooperative computing. This includes but is not limited to the following:

- Refraining from the overuse of connected time, information storage space, printing facilities, downloading, or processing capacity.
- Refraining from the overuse of interactive network utilities.
- Refraining from use of sounds and visuals which may be disruptive to others.
- Refraining from using any computing resource in an irresponsible manner.

Sanctions

Violators of any part of this policy will have their library privileges suspended or revoked at the sole discretion of library administration. Violators of the library electronic resources will have their library

privileges suspended or revoked at the sole discretion of library administration. Illegal acts involving library computing resources may also be subject to prosecution by local, state, or federal authorities.

Internet Disclaimer

The internet is a worldwide network and therefore the internet has no governing agency to control the users of this content. The information contained on the internet may be controversial. The library cannot protect patrons from all offensive material.

The accuracy of information on the internet is to be determined by the patron and it is up to the patron to use it at his/her own risk. It is up to the parents/guardians of minors to educate their children on safe internet usage practices. The parent assumes responsibility for their children's use of the internet through the library's internet connection.

Limitation and Liability

All patrons using library computer resources must click "OK" when agreeing to the Computer Usage Policy when logging on.

"By logging on to this computer you agree to and will abide by the terms of the Technology Usage Policy (TUP). You (the user) understand that not complying will result in suspension or revocation of library privileges. DCPL assumes no liability as listed in TUP."

Patrons can be held liable for any and all damage to computers and equipment owned by the Dodge City Public Library.

Sign Up

The Library does not have the legal authority to act "in loco parentis" (in place of parents/guardians) and Library staff is not responsible for the minor's internet safety.

Other Electronic Technology

Usages of other library owned electronic technology resources are limited to inside library only.

Internet Filtering

The Library uses internet content filters on all computers.

In accordance with CIPA, the Dodge City Public Library filters and blocks obscene content from being viewed by patrons as defined in K.S. 21-4301c concerning Promotion to minors of obscenity harmful to minors and in a reference to section 1460 of title 18, U.S. Code. The library reserves the right to remove any patron for viewing material that is deemed obscene at any time.

IF you (the patron) feel a website is blocked by the internet content filter in error, you can submit a request via e-mail on the block page that appears at the website that is being blocked.

- The website has to be reviewed by a three person committee before that website can be allowed to by-pass the internet content filter.
- The committee will be comprised of: IT staff, Public Services or Circulation personnel, and a Library Administrator.
- Meetings of the committee occur as needed.

A list of custom blocked websites is available on request.

Adults may request to override the filter for no longer than the time remaining in the current session to view Blocked web material.

In accordance with CIPA, minors may not have the filter overridden.

Adopted by Dodge City Public Library Board of Trustees

Adopted: 11-27-2007

Revised: 9/27/2011

Revised:11/23/2015 (part n)

Revised 6/29/2017 (l: d)

Appendix 5

45-215. Title of act. K.S.A. 45-215 through [45-223](#) shall be known and may be cited as the open records act.

History: L. 1984, ch. 187, § 1; Feb. 9.

45-216. Public policy that records be open. (a) It is declared to be the public policy of the state that public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy.

(b) Nothing in this act shall be construed to require the retention of a public record nor to authorize the discard of a public record.

History: L. 1984, ch. 187, § 2; Feb. 9.

45-217. Definitions. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by K.S.A. 2020 Supp. [45-254](#), and amendments thereto; and (2) records of an investigatory agency or criminal justice agency as defined by K.S.A. [22-4701](#), and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. [21-3405](#), prior to its repeal, or K.S.A. 2020 Supp. [21-5406](#), and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court.

(g) (1) "Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:

(A) Any public agency; or

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" shall include, but not be limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection (g)(1), "public record" shall not include:

(A) Records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds. As used in this subparagraph, "private person" shall not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state; or

(C) records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this subparagraph paid for any group, division or section of an agency.

(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

History: L. 1984, ch. 187, § 3; L. 1992, ch. 321, § 22; L. 1994, ch. 293, § 4; L. 2005, ch. 126, § 7; L. 2011, ch. 30, § 191; L. 2016, ch. 82, § 10; July 1.

45-218. Inspection of records; request; response; refusal, when; fees. (a) All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall removal [remove] original copies of public records from the office of any public agency without the written permission of the custodian of the record.

(b) Upon request in accordance with procedures adopted under K.S.A. [45-220](#), any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. [45-220](#).

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. [45-219](#).

History: L. 1984, ch. 187, § 4; Feb. 9.

45-219. Abstracts or copies of records; fees. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

(3) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. [46-1207a](#), and amendments thereto.

(4) Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.

(5) Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be established by the agency head. Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration whose decision shall be final. A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee.

(d) Except as otherwise authorized pursuant to K.S.A. [75-4215](#), and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. [75-4215](#), and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund or an appropriate fee fund as determined by the agency head.

(e) Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.

(f) Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.

(g) Nothing in the open records act shall require a public agency to electronically make copies of public records by allowing a person to obtain copies of a public record by inserting, connecting or otherwise attaching an electronic device provided by such person to the computer or other electronic device of the public agency.

History: L. 1984, ch. 187, § 5; L. 1984, ch. 282; § 2; L. 1994, ch. 100, § 1; L. 1995, ch. 135, § 1; L. 2010, ch. 112, § 1; July 1.

45-220. Procedures for obtaining access to or copies of records; request; office hours; provision of information on procedures. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure [ensure] efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. [45-221](#) or K.S.A. 2020 Supp. [45-230](#), and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requester has a right of access to the records and the basis of that right; or

(2) the requester does not intend 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.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

(g) (1) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system that are maintained by the Kansas bureau of investigation pursuant to K.S.A. [22-4704](#) and [22-4705](#), and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

(2) As used in this subsection, the terms "central repository," "criminal justice agency" and "criminal justice information system" have the same meanings as defined in K.S.A. [22-4701](#), and amendments thereto.

(h) Except for requests of summary data compiled from information submitted by multiple law enforcement agencies or as otherwise provided by law, requests for records submitted to the Kansas asset seizure and forfeiture repository that are maintained by the Kansas bureau of investigation pursuant to K.S.A. 2020 Supp. [60-4127](#), and amendments thereto, shall be directed to the law enforcement agency from which the records originated.

(i) Requests for records defined as "files" pursuant to K.S.A. [75-4379](#), and amendments thereto, submitted to a state or local law enforcement agency or governmental agency shall be directed to the state or local law enforcement agency or governmental agency that made, maintained or kept such files, as required by K.S.A. [75-4379](#), and amendments thereto.

History: L. 1984, ch. 187, § 6; L. 1984, ch. 282, § 3; L. 2003, ch. 126, § 2; L. 2013, ch. 72, § 1; L. 2018, ch. 26, § 2; L. 2018, ch. 93, § 2; July 1.

45-221. Certain records not required to be open; separation of open and closed information required; statistics and records over 70 years old open. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. [75-4315d](#), and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. [75-4315d](#), and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. [45-222](#), and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of

the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. [75-4319](#), and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. [22-4901](#) et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. [22-4901](#) et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. [76-711](#), and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. [65-4922](#), [65-4923](#) or [65-4924](#), and amendments thereto, and which is privileged pursuant to K.S.A. [65-4915](#) or [65-4925](#), and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. [40-2c20](#) and [40-2d20](#), and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. [40-409\(b\)](#), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. [40-2,156\(a\)](#), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee;

when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. [44-532\(h\)\(1\)](#), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2020 Supp. [21-5111](#), and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, a special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. [75-7c01](#) et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation

commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. [9-508](#) et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. [9-513c](#), and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. [72-6311](#), and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

History: L. 1984, ch. 187, § 7; L. 1984, ch. 282, § 4; L. 1986, ch. 193, § 1; L. 1987, ch. 176, § 4; L. 1989, ch. 154, § 1; L. 1991, ch. 149, § 12; L. 1994, ch. 107, § 8; L. 1995, ch. 44, § 1; L. 1995, ch. 257, § 6; L. 1996, ch. 256, § 15; L. 1997, ch. 126, § 44; L. 1997, ch. 181, § 15; L. 2000, ch. 156, § 3; L. 2001, ch. 211, § 13; L. 2002, ch. 178, § 1; L. 2003, ch. 109, § 22; L. 2004, ch. 171, § 30; L. 2005, ch. 126, § 1; L. 2008, ch. 121, § 4; L. 2009, ch. 83, § 27; L. 2009, ch. 125, § 1; L. 2010, ch. 112, § 2; L. 2011, ch. 30, § 192; L. 2011, ch. 84, § 23; L. 2012, ch. 147, § 1; L. 2013, ch. 72, § 2; L. 2013, ch. 133, § 18; L. 2014, ch. 120, § 6; L. 2015, ch. 68, § 10; July 1.

Revisor's Note:

Section was amended four times in 1994 session, see also [45-221a](#), [45-221b](#) and [45-221c](#).

Section was amended twice in the 1996 session, see also [45-221d](#).

Section was amended three times in the 2000 session, see also [45-221e](#) and [45-221f](#).

Section was amended three times in the 2004 session, see also [45-221g](#) and [45-221h](#).

Section was amended twice in the 2009 session without reconciliation, see also [45-221i](#). Section was also amended by L. 2009, ch. 109, § 2, but that version was repealed by L. 2009, ch. 143, § 37 and L. 2009, ch. 125, § 2.

Section was amended three times in the 2012 session, see also [45-221j](#) and [45-221k](#).

Section was also amended by L. 2013, ch. 8, § 1 and L. 2013, ch. 105, § 6, but those versions were repealed by L. 2013, ch. 133, § 37.

45-222. Civil remedies to enforce act; attorney fees. (a) The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus, declaratory judgment or other appropriate order, in an action brought by any person, the attorney general or a county or district attorney. The district court may require a defendant to complete training approved by the attorney general concerning the requirements of the open records act.

(b) In any action hereunder, the court shall determine the matter de novo. The court on its own motion, or on motion of either party, may view the records in controversy in camera before reaching a decision.

(c) In any action hereunder, or under K.S.A. 2020 Supp. [45-251](#), and amendments thereto, the burden of proof shall be on the public agency to sustain its action.

(d) In any action hereunder, the court shall award costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs to the plaintiff if the court finds that the agency's denial of access to the public record was not in good faith and without a reasonable basis in fact or law. The award shall be assessed against the public agency that the court determines to be responsible for the violation.

(e) In any action hereunder in which the defendant is the prevailing party, the court shall award to the defendant costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs if the court finds that the plaintiff maintained the action not in good faith and without a reasonable basis in fact or law.

(f) In any action hereunder brought by the attorney general or a county or district attorney, if the court finds that any provisions were violated, such court:

(1) Except as provided in subsection (f)(2), may award the attorney general's or the county or district attorney's reasonable expenses, investigation costs and attorney fees; and

(2) shall award the same if the court determines that the violation was not made in good faith and without a reasonable basis in fact or law.

(g) Except as otherwise provided by law, proceedings arising under this section shall be assigned for hearing and trial at the earliest practicable date.

(h) The provisions of subsections (d) and (e) concerning the awarding of costs and attorney fees for services rendered during an appeal shall apply only to actions which are based on causes of action accruing on or after July 1, 2004.

History: L. 1984, ch. 187, § 8; L. 1984, ch. 282, § 6; L. 1990, ch. 190, § 1; L. 2000, ch. 156, § 4; L. 2004, ch. 151, § 2; L. 2015, ch. 68, § 11; July 1.

45-223. Civil penalties for violations. (a) Any public agency subject to this act that knowingly violates any of the provisions of this act or that intentionally fails to furnish information as required by this act shall be liable for the payment of a civil penalty in an action brought by the attorney

general or a county or district attorney, in a sum set by the court of not to exceed \$500 for each violation.

(b) Any civil penalty sued for and recovered hereunder by the attorney general shall be paid into the attorney general's open government fund. Any civil penalty sued for and recovered hereunder by a county or district attorney shall be paid into the general fund of the county in which the proceedings were instigated.

History: L. 1984, ch. 187, § 9; L. 2000, ch. 156, § 5; L. 2015, ch. 68, § 12; July 1.