KDB-R - Public's Right to Know/Freedom of Information

Public's Right to Know/Freedom of Information

The following procedure applies to requests by members of the public, including parents, community members, media organizations and other third parties, for inspection of public records maintained by the district. A person who has the right to inspect a public record also has the right to request to be furnished a copy of the record.

Process for requesting records

1. All requests for public record(s) maintained by the district shall be specific enough to allow the district to efficiently identify the requested record and respond to the request. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, the district may require that the request be made in writing. The district may not require a person to provide any form of identification to request or inspect records, unless the identification is required by law in order to release confidential information.

2. The district has no duty to create a public record that does not already exist.

3. If the requested public record is in active use, in storage, or otherwise not readily available at the time of the person's request, the person requesting the record shall be informed of that fact. The custodian of records will then make the record available within a reasonable time of the person's request.

A reasonable time ~~shall~~ should not exceed three working days, but may be extended by an additional seven working days if certain extenuating circumstances exist, in accordance with state law.

4. If the person seeking the record requests transmission of the record, the custodian of records shall notify the person once the record is available that it will only be transmitted when the custodian receives payment or makes arrangements for receiving payment for all costs associated with the record transmission and for all other fees lawfully allowed, unless the custodian waives all or any portion of such costs or fees.

Upon receipt of payment of any applicable copy costs and/or other fees or upon making payment arrangements with the person requesting the record, the custodian of records will transmit a copy of the record by United States mail, other delivery service, facsimile or electronic mail. Transmission will occur as soon as practicable but no more than three business days after the district's receipt of payment, or making arrangements to receive such payment.

5. Inspection of any public record shall take place in an area designated by the district's custodian of records and shall occur in a manner that will not be disruptive

to district operations. District employees may be assigned to monitor any inspection of public records.

6. If the district does not have facilities for making a copy of a record that a person has the right to inspect, the person shall be granted access to the record for the purpose of making a copy. The copy shall be made under the supervision of the custodian of records or designee. When practical, the copy shall be made in the place where the record is kept but if it is impractical to do so, the custodian may allow arrangements for the copy to be made at another facility.

District Responsibilities

The district has no duty to create a public record that does not already exist.

If the district stores the public record in a digital format, the district must provide a copy of the record in a digital format unless otherwise requested by the requestor, and must transmit the record by electronic mail if possible. Public records stored in a searchable format must be provided in a searchable format and public records stored in a sortable format must be provided in a sortable format, and a digital public record must not be converted into a non-searchable or non-sortable format before transmission. However, public records do not need to be provided in a searchable or sortable format if any of the following exceptions apply:

a. producing the record in the requested format would violate the terms of a copyright or licensing agreement;

b. producing the record in the requested format would result in the release of third party proprietary information;

c. after making reasonable inquiries, the records custodian determines that:

(1) it is not technologically or practically feasible to permanently remove information that the district is required or permitted to withhold;
(2) it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format;
(3) producing the record in a searchable or sortable format would require the purchase of software, or the creation of additional programming or functionality in existing software, to remove information the district is required or permitted to withhold.

Fees

1. The fee for copying public records will be $.25 per page unless actual costs exceed that amount.

2. No transmission fee will be charged for transmission via electronic mail.

3. If the district in response to a specific request manipulates data to generate a record in a form not used by the district, it may charge a reasonable fee not to exceed the actual cost of manipulating the data and generating the record. Fulfilling such a request will be at the option of the district.

4. If a requested record is a result of computer output other than word processing, the fee for a copy will be based on recovery of the actual costs of providing the electronic service and product together with a reasonable portion of the costs associated with building and maintaining the information system. This fee may be reduced or waived by the superintendent or designee if the electronic service or product is used for a public purpose.

5. If another facility is necessary, the costs of providing them shall be paid by the person requesting the copy. The custodian may establish a reasonable schedule of times for making a copy and may charge the same fee for services rendered in supervising the copy as the custodian may charge for furnishing a copy.

Denial of Access and Dispute Resolution

1. If the district denies a request for access to district records and the person requesting the records asks for a written statement of the grounds for denial, the district shall provide a written statement to the person, citing the law or regulation under which the district denied access.

2. A person denied access to district records may seek a court order compelling disclosure.

3. Before seeking a court order, the person must provide written notice to the records custodian at least 14 days before filing an application in court.

4. During the 14-day period, the records custodian shall meet in person or communicate on the telephone with the person denied access to district records to determine if the dispute may be resolved without court involvement.

5. Any common expense necessary to resolve the dispute shall be apportioned equally between the person requesting the records and the district, unless the district and person agree to a different method of allocating the costs.

In addition to the procedures contained in this regulation, the district may develop further procedures governing the inspection, copying and transmission of its records as it deems necessary to protect its records and prevent unnecessary interference with district staff responsibilities and district operations.

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