Wilson Medical Center

Policy and Procedure Pursuant to the

Kansas Open Records Act, K.S.A. 45-215 *et seq*.

The Kansas Open Records Act grants you the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas, subject to certain exceptions. The Open Records Act, K.S.A. 45-215 *et seq.*, as amended ("KORA"), declares that it is the public policy of Kansas that "public records shall be open for inspection by any person." Public records are defined as "any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency." Wilson Medical Center (hereafter referred to as "we" or "us") is classified as a public agency for the purposes of KORA. The purpose of this policy is to provide guidance and procedures for the release of public records in accordance with KORA.

Regular Office Hours: 8 A.M. to 5 P.M., Monday to Friday, excluding state and federal holidays.

Privacy Officer for Medical Records: All requests for medical records containing any protected health information are exempt from disclosure pursuant to K.S.A. 45-221(a)(3), but may be obtained with patient authorization, or as otherwise permitted under our HIPAA Policy, by sending a written request with a proper release of information to Suzy Cook, Privacy Officer, scook@wmcrc.org.

Written Requests: We require that requests for access to or copies of public records be made in writing in order to adequately document the request and clarify exactly what records are being sought. All requests for records must state the requester's name, mailing address, and the preferred method of inspection (paper copies, digital copies, or on-site inspection). All requests must include proof of identity of the person requesting access to such public records. The requester should provide detailed information about the records being requested in order to aid our staff in determining if such records exist and are in our possession. Requests for records not yet in existence or documents to be created prospectively cannot be honored. Requests for public records should be made to our public records custodian at the following address:

Wilson Medical Center
Attn: Sheila Mitchell
2600 Ottawa Road
Neodesha, Kansas 66757
smitchell@wmcrc.org

No Solicitation: To the extent that the records requested include lists of names and addresses or that access to the records requested is otherwise limited pursuant to K.S.A. 45-221 or 45-230, we require that the person requesting records or information provide a written certification that the requester does not intend to, and will not: (A) use any list of names and 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 and 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.

Response Times: We will act upon requests as soon as possible, with a response being made to the requester no later than three business days following the receipt of the written request; provided, however, that such response provided within three business days will not necessarily be determinative as to whether and when the requested documents will be produced. A determinative response will be provided as soon as possible, subject to reasonable delays. Reasonable delays may include, but are not limited to, delays caused by seeking necessary clarification of the scope of the request, legal issues that must be resolved before requested records may be produced, issues related to recovery of records that are archived or stored offsite, or issues related to the scope or volume of requested records. A request for a large scope or volume of records will require more time to assess the existence, availability, and fees likely to be incurred to produce the records. The determinative response may deny your request or limit or refuse the disclosure of any record, in whole or in part, where the records are not subject to the Kansas Open Meetings Act and/or are not subject to mandatory disclosure or are exempt from disclosure pursuant to K.S.A. 45-221, K.S.A. 45-230, or as otherwise provided by Kansas law. If the request is denied, we will provide a written statement of the grounds for denial, citing the specific provision of law under which access is denied. Permission to access public records may also be declined if the request "places an unreasonable burden in producing public records or the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency." *See* K.S.A. 45-218(e).

We will not engage in research compiling or sorting data into records to be created at the request of a requester. KORA "imposes no duty on a public agency to create a record to compile specific information requested by an individual." *See* Kan. Atty. Gen. Op. No. 86-43.

Fees: We will assess fees of $2.00 per page and a digital transmission fee (if copies are requested digitally) of $5.00. Copy and transmission costs will be adjusted annually based on increases or decreases in labor and/or supplies. If there are no changes, costs will remain as above. Any other costs incurred by us in connection with complying with a record request may be assessed to the requester, including, without limitation, costs of staff time, computer services, attorney redaction, and retrieval costs. We will provide an estimate of the fees, which must be paid prior to us gathering the records. However, in order to ensure payment, the final cost of providing access to or furnishing copies must be paid before the records are provided. If the final cost is less than the estimate, the requester will be reimbursed for the difference. Payment may be made by check or money order. Returned checks will incur an additional fee of $20.00.

If estimated staff time needed to respond to a request will exceed five hours or the estimated costs of staff time exceeds $200, we will make reasonable efforts to contact you regarding ways we may mitigate costs. You have no obligation to mitigate such costs. Upon request, we will also provide an itemized statement of costs actually incurred and charged, which will include the hourly rates charged for each employee or other person involved in making the requested records available and an itemized list of any other fees charged.

Inspection on Site: At the request of the requester, we will permit inspection of public records during regular office hours, or additional hours that we may establish, at suitable facilities that we make available. No person is permitted to remove original copies of public records during on-site inspections without our express prior written consent.

Display: This Open Records Policy will be displayed on our official website and other places through our facility as directed by the public records custodian.

Record Retention: Nothing in this Open Records Policy will be construed to require the retention of any public record, and KORA imposes no such requirement. We will comply with our own internal policies and state and federal law with respect to record retention.