

## OFFICE OF THE KANSAS SECURITIES COMMISSIONER (KSC)

a division of the Kansas Insurance Department

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

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

**KANSAS OPEN RECORDS ACT OFFICER:** The General Counsel at KSC is the KORA officer and the Administrative Clerk is the KORA Coordinator and primary contact for records requests to the agency. Please use the following email address or mailing address to submit a KORA request:

Email: [ksc@ks.gov](mailto:ksc@ks.gov)

“KORA Request” should be included in the subject section of the email.

Regular Mail:

Office of the Kansas Securities Commissioner  
Attn: KORA Coordinator  
109 SW 9<sup>th</sup> Street, Suite 600  
Topeka, KS 66612-1215

Please use one of the two routes/methods above to submit a request. Using other submission methods may delay the processing of your request.

#### **FEES:**

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

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

- **COPIES** will be charged at 25¢ per page for paper copies, \$0.125 per page for electronic copies;
- **MAILING** will be charged at 50¢ for first 5 pages, 25¢ for additional 5 page increments for paper copies; electronic copies may be mailed or transmitted electronically (in some cases) and the cost calculated based on the volume;
- **STAFF TIME** will be charged at the rate of pay for each person(s) whose time is used in order to assist and/or respond to a specific request. This may include time spent to access records maintained on computer facilities, review records to determine whether closure exceptions apply and/or to redact open from closed information. Current estimated rates for staff time are as follows:
  - Administrative staff time = \$30 per hour;
  - Staff attorney time = \$50 per hour;

- General Counsel or Director time = \$60 per hour;
- IT staff from the Office of Information Technology Services = \$60 per hour;
- Time for other classifications of employees will be charged based upon actual costs.

**Additional fees**, including any other costs incurred by the agency in connection with a record request may be assessed to the requestor.

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

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

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

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

Payment may be made by check or money order payable to the Office of the Kansas Securities Commissioner. Returned checks will incur an additional fee of \$30.00.

### **WRITTEN REQUEST**

To assure that the request is clearly understood, the agency requires requests for access to or copies of records to be made in writing and sent to the email or mailing address indicated on page 1 above. All requests for records must state:

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

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

### **FAXING, EMAIL, AND AIR EXPRESS DELIVERY**

The agency will produce records by regular mail by default.

At the discretion of the agency, some responsive records may be emailed to the requestor depending on size and feasibility. Please request this transmittal method if it is desired.

Generally, responsive records may be faxed if the request is for fewer than 15 pages and fax time and facilities are readily available. Please request this transmittal method if it is desired.

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

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

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

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

### **RESPONSE TIME**

The agency will act upon requests as soon as possible, with some type of response being made to the requestor no later than the third business day following the receipt of the request. Receipt of the request cannot be assured in a timely manner if methods other than those specified by this policy are used to submit a request. If it appears that additional time will be needed, if fees will be assessed, or if some of the records may be closed by law, a written response will be provided as soon as the records have been located and reviewed.

### **PUBLIC RECORDS MAINTAINED BY THE KSC INCLUDE:**

- Registration records for broker-dealers and their agents (registered representatives or stockbrokers) maintained on the CRD system;
- Registration and notice filing records for investment adviser firms and representatives maintained on the IARD system;
- Securities registration and exemption filing records;
- Disciplinary histories, if any, of firms or individuals currently or previously registered or notice-filed in Kansas;
- Administrative action records;
- "No Action" and interpretive opinion letters; and
- Special Orders.

This list merely contains examples and is not exhaustive.

### **AGENCY RECORDS EXEMPT FROM PUBLIC DISCLOSURE INCLUDE:**

- Records obtained in the course of an audit or investigation;
- Information which could reveal the identity of an undercover agent or informant;
- Agency records involving open administrative cases or civil litigation;
- Records protected by the attorney-client privilege or the rules of evidence;
- Certain correspondence between the agency and private individual(s);
- Public records that contain information of a personal nature; and
- Personnel records;

This list merely contains examples and is not exhaustive.

### **DELAYED AND/OR DENIED REQUESTS**

All efforts will be made to process your request for public records as soon as it is received; however, some requests may be delayed or denied if:

- More information is needed in order to retrieve the records;
- Legal issues must be addressed before the records are released;
- The requested records are archived or stored off site;
- The amount of information requested is large and will take time to duplicate.
- Requests may be denied in whole or in part if:
  - The requested record does not exist;
  - The requested record is exempt from disclosure by law;
  - The request does not contain the information required by this policy; and
  - The request is unclear and more information is needed.

If your request for public records is delayed or denied, you will receive notification explaining the reasons for the delay or denial.

### **GENERAL INFORMATION ABOUT THE KANSAS OPEN RECORDS ACT**

The Kansas Open Records Act (KORA) grants you the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. You may obtain a complete copy of the Kansas Open Records Act from any public agency or access KORA online. A complete listing of records exempt from public disclosure may be found at K.S.A. 45-221 under KORA, and nonpublic records specified under KUSA may be found at K.S.A. 17-12a607(b).

### **GENERAL INFORMATION ABOUT THE KSC**

The Office of the Kansas Securities Commissioner is a state agency that regulates and monitors the offer and sale of investments and investment advice. The agency also investigates complaints of securities fraud and dishonest practices and seeks to protect and inform Kansas investors. The KSC also provides investor and entrepreneur education services.

**This form is provided to potential requestors as a helpful guide for composing an effective request for public information. Requestors should not consider this form to be mandatory.**

DATE:

TO: Office of the Kansas Securities Commissioner,  
Attn: KORA Coordinator  
109 SW 9<sup>th</sup> St., Suite 600  
Topeka, KS 66612-1215

Via Email: [ksc@ks.gov](mailto:ksc@ks.gov) (submission by attachment to email is preferred)  
The subject of the email should state: "KORA Request Attached".

RE: Open Records Request

Pursuant to the Kansas Open Records Act (KORA), K.S.A. 45-215 et seq., I request access to or copies of the following records:

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**Please be as specific as possible in describing the records you want and the time period your request covers; attach additional pages if necessary.**

I request the information be provided in the following format if possible (please check one):  Paper  Electronic

My contact information is:

Name: \_\_\_\_\_ Daytime Phone Number: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

I certify that I do 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.

Sincerely,

\_\_\_\_\_ Printed Name: \_\_\_\_\_