

**KDB-R ©**

## REGULATION

**PUBLIC'S RIGHT TO KNOW /  
FREEDOM OF INFORMATION**

Public records of the District will be open for inspection by any person as provided by law.

*Public record* means any recorded information that is made, maintained, or kept by, or is in the possession of, the District. Such records include minutes of the Governing Board, agendas, financial records, contracts, and statistical summaries.

The office of the Superintendent will be open to receive requests for records inspection or copying during normal business hours on Monday through Friday.

Requests for access to records shall be directed to the office of the Superintendent.

All persons requesting inspection and/or copying of public records must attest that they have not requested the public records of the District for a commercial purpose. If the records are requested for a commercial purpose, the requester must provide a statement, verified by the requester, setting forth the commercial purpose for which the materials will be used.

The above declaration will be made and signed on the official form provided by the District for requesting inspection and/or copying of public records.

The Superintendent shall permit access to, or provide for the copying of, the records requested promptly following the request or will provide an explanation of a cause for further delay and will give notification of the time the records will be available.

Requirements of access and inspection apply only to existing records and do not require creation of new records. Public inspection of a document that otherwise would be a public record may be denied by the Superintendent if 1) the record is made confidential by statute, 2) the record involves the privacy interests of persons, or 3) disclosure would be detrimental to the best interests of the District. If a public record contains material that is not subject to disclosure, the District will delete such material and make available to the requester such material in the record as is subject to disclosure.

Records contained on a computer will be provided only in the form in which the information can be made available using existing computer programs.

Copies of radio or recording tapes of discs, video or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices will not be furnished unless such items or devices have been shown or played at a public meeting of the Governing Board.

A fee shall be levied on each request to cover the cost of making copies. The fee will be collected prior to releasing material.

The fees will be based upon the following:

- A. Ten cents (10¢) per copy for materials indicated as Board minutes, agendas, financial records, contracts, courses of study, or statistical summaries.
- B. Thirty-five cents (35¢) per copy for materials not listed above.

- C. Actual cost, if available, will be assessed.
- D. Free copies shall be furnished if they are to be used in claims against the United States.

### **Commercial Purpose**

When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the statement the Superintendent may furnish reproductions of the such requested records. The charge for such records shall include the following:

- A. A portion of the cost for the District to obtain the original or copies of the documents, printouts or photographs requested.
- B. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
- C. The value of the reproduction on the commercial market as best determined by the Superintendent.

If the Superintendent determines that the intended commercial use is a misuse of the requested public records or is an abuse of the right to receive public records, the Superintendent may apply to the Governor requesting that the Governor, by executive order, prohibit the furnishing of copies, printouts or photographs for such commercial purpose. If the Governor determines that such public record shall not be provided for commercial purpose the Governor shall issue an executive order prohibiting the providing of the requested records for such commercial purpose. If no order is issued within thirty days (30) of the date of application, the Superintendent shall provide reproductions of requested copies, printouts or photographs upon being paid the fee determined pursuant to this regulation.

The Superintendent shall advise the Board when District records are requested for commercial purposes.