
KANSAS LOTTERY – POLICY

Policy Title: Open Records Act
Section: §23 – Agency Management, Administration, and Resources
Policy Number: §23.2
Target Audience: Open Records Requestors and All Kansas Lottery Staff
Original Issue: June 1989
Revision History: August 2002; October 2014
Sponsor: Executive Director and Assistant Attorney General
Signature & Date: Authorizing Signature and Date Signed on File

2.1 Purpose. As a State agency the Lottery is required to provide access to, and to provide copies of, public records upon request. This policy establishes a consistent and uniformly applied policy and standard agency procedures for granting access to and obtaining copies of public records.

2.2 References/Related Governance.

2.2.1 K.S.A. 45-215, *et seq.*

2.2.2 K.S.A 74-8701, *et seq.*

2.3 Requests.

2.3.1 All requests for public records in the possession of the Kansas Lottery must be made in writing, and mailed, hand-delivered or emailed to the Kansas Lottery at info@kslottery.net.

2.3.1.1 Requests should be addressed to:

Freedom of Information Officer
Kansas Lottery
128 N. Kansas Avenue
Topeka, KS 66603-3638

2.3.2 The Executive Director is the designated Freedom of Information Officer for the Kansas Lottery.

2.3.2.1 The Executive Director may assign Freedom of Information Officer duties to other staff of the agency.

2.4 Fees.

2.4.1 One (1) record request in a 12-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.

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

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- 2.4.2.1 Copies. Copies will be charged at \$0.25 per page for paper copies, \$0.125 per page for electronic copies.
- 2.4.2.2 Postage. Postage (if mailed) will be charged at the actual postage charge incurred.
- 2.4.2.3 Faxes. Faxes will be charged at \$0.65 per 10 page fax.
- 2.4.2.4 Staff Time. 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 the 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. For most requests time will be charged as follows:
 - 2.4.2.4.1 Clerical time will be charged at \$18 per hour;
 - 2.4.2.4.2 Attorney time will be charged at \$50 per hour;
 - 2.4.2.4.3 Information Technology (IT) services will be charged at \$38 per hour; and
 - 2.4.2.4.4 Time for other classifications of employees will be charged based upon actual costs.
- 2.4.2.5 Additional fees. Additional fees including any other costs incurred by the agency in connection with complying with a record request may be assessed to the requestor.
- 2.4.3 If the request is for a paper copy of winning Kansas Lottery online numbers only, the above fees do not apply, but instead the following fees may be charged (for each on-line Kansas Lottery game requested):
 - 2.4.3.1 Listing for last 12 months – No charge for copy picked up at the Lottery Office (plus actual postage incurred if mailed)
 - 2.4.3.2 Listing for period longer than last 12 months - \$15.00 (plus actual postage incurred if mailed)
 - 2.4.3.3 Kansas Lottery winning numbers may also be provided on computer media (e.g. CD) for a fee equal to the cost of the media used, the preparation fee as set forth above, and actual postage (all fees apply to each on-line game requested).

2.5 Receipt of Request.

- 2.5.1 The Kansas Lottery will make every effort to acknowledge receipt of a request for access to records no later than three (3) business days following receipt of the

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request.

- 2.5.2 The Lottery will then determine the earliest time and date that the record will be available for inspection or access.
- 2.5.3 If access is denied, upon request the Kansas Lottery will provide a written statement of the grounds and authority for denial.
- 2.5.4 Inspection of records may be conducted only during the regular office hours of the Kansas Lottery.
- 2.5.5 All records being inspected shall remain in the custody and control of one or more persons designated by the Kansas Lottery.
- 2.5.6 Requestor may obtain a photocopy of one or more documents if desired/possible.
- 2.5.7 All inspections and photocopying may be subject to payment of fees as set forth in this procedure.
- 2.5.8 The Kansas Lottery reserves the right to require proof of identity of anyone requesting access to or copies of Kansas Lottery records, but the Kansas Lottery cannot require the requestor to otherwise provide more than requestor's name, address, and information necessary to ascertain the records to which access is desired.
- 2.5.9 If access to records or the purpose for which records may be used is limited according to law, the agency may require a person requesting the records or information to sign a *Certification for Use of Public Records*. (See Appendix 23-A.)
- 2.5.10 The agency's Freedom of Information Officer or his/her designee will have and keep available for the public a copy of this policy.

**CERTIFICATION FOR USE OF
PUBLIC RECORDS**

I have received, or will be receiving, copies of public records from the Kansas Lottery. In so doing, I understand and agree these records may not be used for any “Prohibited Purpose” as defined by the Kansas Open Records Act and/or any other federal, state or local law.

I further certify that I do not intend to, and will not, use any list of names or addresses contained or derived from these records for the purpose of selling or offering for sale any property or services to the persons listed or to any person who resides at any address listed, and that I do not intend to and will not sell, give or otherwise make available to any person any list of names or addresses contained in or derived from these records 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.

Signature

Printed name and title

Name of company or other entity represented

Date Signed