

Copying fees can be exorbitant

PATRICK HENRY ONCE SAID THAT LIBERTY IS NEVER SECURE AS LONG AS GOVERNMENT DOES BUSINESS IN SECRET.

The Liberty Sentinel, January 2009

(Hutchinson News – Editorial) The Kansas Open Records Act makes sure that the documents produced by state and local governments remain open for public inspection – an important tool in ensuring the government operates in the light of day.

Yet, the law lacks specific language that deals with copying fees and whether those open records can be copied with the aid of a digital device, such as a camera or cell phone.

Research by The News revealed just why the issue of fees for copies will have to be dealt with sooner rather than later. Calls to 38 counties in The News coverage area found that some counties don't charge at all for copies of open records, while others charged \$10 for similar records.

KORA provides clear guidance for executive branch offices, with a suggested copying fee of 25 cents a page. Otherwise, local authorities are free to set the price they wish for copies.

Setting exorbitant fees for public information, however, is something local governments should avoid. Public information isn't meant to serve as an additional revenue stream for cities and counties. Furthermore, charging more for records than the actual cost of replicating them runs counter to the spirit and intent of the open records law.

The law was established to make sure that the public always has access to the information its government produces; excessive fees can make that information unaffordable, and inaccessible, to the average person.

Also, Kansas legislators will need to address the growing use of digital technology and how it relates to copying open records.

As more people carry small digital cameras or cell phones equipped with cameras, counties and other offices are struggling with how to address this relatively new method of copying open records.

Some offices allow users to copy the documents digitally for free, while others are implementing a daily use fee.

Michael Smith of the Kansas Attorney General's office said an agency can't

charge for a cost it would have incurred regardless of whether the document was duplicated. Since taking a photo of an open record doesn't cost any money, a daily fee seems a violation of the Kansas Open Records Act.

Legislators should strengthen KORA by establishing a reasonable fee for copying public documents and address the growing role technology plays in how Kansans receive and distribute public information.

***Do you have an Open Government experience to share?
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