

**CITY OF KINGSLEY, KENTUCKY
OPEN RECORDS POLICY
(Adopted Pursuant to KRS 61.870-61.884.)**

SECTION 1. PURPOSE AND AUTHORITY

This policy is adopted pursuant to the Kentucky Open Records Act, KRS 61.870 to 61.884, including KRS 61.876, which requires each public agency to adopt rules and regulations governing access to public records.

It is the policy of the City of Kingsley to provide full access to public records in accordance with KRS 61.871, which provides that free and open examination of public records is in the public interest, except as otherwise provided by law.

SECTION 2. DEFINITIONS

The definitions set forth in KRS 61.870 are incorporated herein by reference, including but not limited to:

- A. "Public Record" (KRS 61.870(2))
- B. "Official Custodian" (KRS 61.870(5))
- C. "Resident" (KRS 61.870(10))

SECTION 3. OFFICIAL CUSTODIAN OF RECORDS

Pursuant to KRS 61.876(1), the City Clerk is designated as the Official Custodian of Records.

All requests shall be directed to:

City Clerk (Official Custodian)
P.O. Box 5515
Louisville, Kentucky 40255-0515
jeannieyounger1908@gmail.com

SECTION 4. REQUESTS TO INSPECT PUBLIC RECORDS (KRS 61.872)

A. All requests shall be made in writing, as required by KRS 61.872(2), including by electronic mail or mail.

B. Each request shall:

1. Be signed by the applicant, if submitted by mail;
2. Include the applicant's printed name;
3. Include a statement that the applicant is a resident of the Commonwealth of Kentucky, pursuant to KRS 61.872(2) and KRS 61.870(10);

4. Describe the records with sufficient specificity to enable their identification (KRS 61.872(3));
5. State whether the request is for a commercial purpose (KRS 61.874). If requested for commercial use, a certified statement stating the commercial purpose for which the records will be used may be required by the city, and the city may require the requestor to enter into a contract with the City. The contract shall permit use of the public records for the stated commercial purpose for a specified fee.

C. A standard Open Records Request Form is available on the City's website for convenience; its use is optional, in accordance with KRS 61.876(2).

SECTION 5. RESPONSE TO REQUESTS (KRS 61.872(5))

A. The Official Custodian shall respond within five (5) business days after receipt of the request.

B. The response shall:

1. Grant access to the records;
2. Deny the request, in whole or in part, citing the specific exemption under KRS 61.878 or other applicable law; or
3. Provide written notice of delay, including a detailed explanation of the cause and the earliest date the records will be available.

Failure to respond within five (5) business days shall constitute a denial pursuant to KRS 61.880.

SECTION 6. INSPECTION OF RECORDS (KRS 61.872(1))

A. Public records shall be available for inspection in accordance with KRS 61.872(1).

B. Because the City of Kingsley does not maintain a physical office, inspection shall be provided by one or more of the following methods:

1. Electronic transmission of records (email or other digital means);
2. Mailing of copies upon prepayment of applicable fees.

C. Inspection may also be arranged at a mutually agreed-upon location and time, if necessary, in a manner that does not interfere with the City's normal operations or essential functions.

D. The City is not required to create new records or compile information in response to a request, pursuant to KRS 61.872(2).

SECTION 7. COPIES AND FEES (KRS 61.874)

A. Copies shall be provided upon request.

B. Fees shall not exceed the actual cost of reproduction, excluding staff time, pursuant to KRS 61.874(3).

C. The following fee schedule is adopted:

- Paper copies: \$0.10 per page
- Electronic media: Actual cost
- Postage: Actual cost

D. For commercial purpose requests, additional fees may be imposed as permitted by KRS 61.874(4).

E. Prepayment may be required for large or complex requests.

SECTION 8. EXEMPTIONS (KRS 61.878)

A. The City may deny inspection of records exempt under KRS 61.878 and other applicable law.

B. Denials shall comply with KRS 61.880(1) and shall:

1. Be in writing;
2. Cite the specific statutory exemption; and
3. Briefly explain how the exemption applies.

SECTION 9. UNREASONABLE BURDEN (KRS 61.872(6))

The City may deny a request that places an unreasonable burden in producing records or is intended to disrupt essential public functions.

SECTION 10. APPEALS (KRS 61.880 AND 61.882)

Any person denied access to a public record may appeal the decision to the Kentucky Attorney General pursuant to KRS 61.880 or seek judicial review in the appropriate Circuit Court pursuant to KRS 61.882.

SECTION 11. RECORDS RETENTION

All records shall be maintained and disposed of in accordance with records retention schedules approved by the Kentucky Department for Libraries and Archives.

SECTION 12. ADMINISTRATIVE PROVISIONS (KRS 61.876)

A. This policy constitutes the rules and regulations required by KRS 61.876.

B. This policy shall be made available on the City's website and upon request.

C. The City shall clearly identify the Official Custodian and the methods for submitting requests.

SECTION 13. SEVERABILITY

If any provision of this policy is held invalid, such invalidity shall not affect the remaining provisions.

SECTION 14. EFFECTIVE DATE

This policy is effective upon adoption by the City of Kingsley and shall remain in effect until amended or repealed.

Request to Inspect Public Records

Pursuant to the Kentucky Open Records Act ("the Act"), KRS 61.870 *et seq.*, the undersigned requests to inspect the public records which are described below.

Requester's contact information.

Name: _____

Mailing Address: _____

E-mail Address (if applicable): _____

Records to be inspected:

Statement regarding the use of public records. KRS 61.870(4) defines "commercial purpose" as "the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee." However, "commercial purpose" does not include the publication or related use of the public record by a newspaper or periodical, by a radio or television station in its news or informational program, or by use in the prosecution or defense of litigation by the parties to such an action or their attorney.

This request is (choose one):

- NOT for a commercial purpose; or
- FOR a commercial purpose.

Statement regarding residency. I further state that I am a resident of Kentucky because I am (please check one):

- An individual residing in the Commonwealth; or
- A domestic business entity with a location in the Commonwealth; or
- A foreign business entity registered with the Kentucky Secretary of State; or
- An individual that is employed and works at a location within the Commonwealth; or
- An individual or business entity that owns real property within the Commonwealth; or
- An individual or business entity that has been authorized to act on behalf of an individual or business entity listed above; or
- A news-gathering organization as defined in KRS 189.635(8)(b)1a. to e.

Signature: _____ Date: _____