

OPEN RECORDS ACT

The open records law gives private individuals the right to examine public records of public agencies, within certain limits (KRS 61.870-61.884). Without a court order the following public records are exempt from the open records law:

- (1). Records containing personal information, the disclosure of which would constitute an unwarranted invasion of privacy;
- (2). Certain records confidentially disclosed to an agency and maintained for scientific research;
- (3). Records confidentially disclosed to an agency by an entity whose competitors would gain an unfair commercial advantage if the records were openly disclosed. Materials disclosed in connection with a loan application or for the regulation of commercial enterprises are the records specified under this exemption;
- (4). Records pertaining to a prospective location of a business where no public disclosure has been made of the business's intention to move;
- (5). Studies made relative to acquisition of property, until such time as the acquisition is complete;
- (6). Materials relating to examinations;
- (7). Materials of law enforcement agencies which would disclose the identity of confidential informants, prior to use; however, records compiled and maintained by county or Commonwealth's attorneys pertaining to criminal investigations or litigation shall remain exempt even after use;
- (8). Preliminary drafts, notes and certain correspondence with private individuals;
- (9). Preliminary recommendations and memoranda;
- (10). Access to data bases or geographic information systems used for commercial purposes; and
- (11). Records otherwise prohibited from disclosure.

Any person shall have access to any public record relating to him personally, except that public agency employees shall not have the right to inspect or copy any documents relating to ongoing criminal or administrative investigations by an agency.

Generally a person has the right to abstract or copy (at his own expense) any record not exempted from the law. During their regular working hours agencies are required to make suitable facilities available from inspecting non-exempt public records and the official custodian may require a written application describing the records to be inspected. Applications may be hand-delivered, mailed, or faxed, and the public agency shall mail copies of requested records to a person whose residence or principal place of business is outside the county in which the records are located. Prepayment of a fee for copies of public records may be required. Such a fee shall reflect the actual cost of copies without including the cost of staff services requires making the copies.

An application may be refused if it places an unreasonable burden upon the agency to produce the records or it seems clearly intended to disrupt other essential functions of an agency. Blanket requests for information or for the preparation of lists not already in existence need not be honored.

A public agency must determine within three working days whether to comply with a request to inspect records and so notify the requesting party. Any denial for inspection shall include a statement giving the specific exception that authorizes the denial and a brief explanation of how the exception applies to the record withheld.

Public agencies are not responsible for notifying the Attorney General when they deny a request to inspect a public record. If the Attorney General is asked to review a denied request, his decision may be appealed to the Circuit Court within 30 days of the decision. If no appeal is filed within 30 days, the Attorney General's decision shall have force and effect of law.

Public agencies may charge a reasonable fee for making copies in specialized formats, to include the cost of media and any mechanical processing. If a person requests public records to be mailed, the official custodian shall mail the copies upon receipt of all fees and the cost of postage. (KRS 61.872)

I certify that I have received and read the above Open Records Act

(Signature)

(Date)