

Open Records Policy and Procedure

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Policy:

The Boone County Public Library is a public agency subject to the Kentucky Open Records Act (KRS 61.870-61.884) and certain requirements with regard to records retention. The Library will maintain and retain its records in accordance with the applicable laws and regulations. Unless otherwise provided by law, records may be retained or discarded according to the Records Retention Schedules as adopted by the State Archives and Records Commission.

The Library Director is the official custodian of the Library's records. The Boone County Public Library's public records procedure is based on administrative regulations set by the Finance and Administration Cabinet under 200 KAR 1:020.

Kentucky residents have an enforceable right to use the open records law. Nonresidents may request records but do not have an enforceable right. Under KRS 61.870, a Kentucky resident is:

- A person who lives in KY- *KRS 61.870(10)(a)*
- A business located in KY- *KRS 61.870(10)(b)*
- A business registered in KY- *KRS 61.870(10)(c)*
- A person who is employed/works in KY- *KRS 61.870(10)(d)*
- A person who owns property in KY- *KRS 61.870(10)(e)*
- An authorized representative of any of the above- *KRS 61.870(10)(f)*
- A news gathering organization- *KRS 61.870(10)(g)*.

Procedure:

1. Kentucky residents may prepare a written request or complete the standardized open records form located on the Boone County Public Library's website.
2. A written request or the Standardized Open Records Form shall be submitted to the Library Director, Boone County Public Library, 1786 Burlington Pike, Burlington, KY 41005 during regular Business Office hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) or may be hand delivered or submitted by U.S. postal mail, email, or fax. **If the request is a self-prepared written request it MUST include:**
 - Description of the records
 - Name printed or written legibly
 - Signature
 - Mailing address or email address

- Date
 - Whether you wish to review records on library premises or receive copies in the mail
 - Statement that your request is noncommercial
 - Statement that you are a resident of Kentucky and the section of KRS 61.879(10) you qualify under listed above
3. A determination will be made within five (5) working days from the date of the application (excepting Saturdays, Sundays, and legal holidays) regarding approval of the request, and applicant will be notified in writing of the decision within the five (5) day period.
 4. Upon receiving the request, a date, place, and time of inspection will be noted on the Inspection Request Form with any reason(s) for delay in inspection time noted.
 5. Certain items may be excluded in whole or part if they contain exempted information as proscribed under KRS 61.878. Request to produce records in a format other than the format they are maintained may be denied. If the request is denied, a statement will be provided as to why the records are being excluded and how the Open Records Law applies to the record being withheld, including the specific exception authorizing the withholding of the record. All non-exempt records will be available. As opined by the Attorney General, library patron registration records, circulation records, program participation records, computer usage, and all public records or information that is prohibited by federal or state law are exempt from the Open Records laws.
 6. During the scheduled record review at the Library an individual may copy records, but may not remove documents or add documents to those provided for review. A fee of 25 cents per black and white page or 50 cents per color page will be charged to all persons requesting photocopies of the records. The fee must be paid at the time the copies are made.

Applicant shall prepay for requested documents and also be charged for any postage incurred by the Library if documents are mailed to the requestor.

7. The application shall be hand-delivered, mailed, emailed, or sent via fax (859-689-0435).

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:

Pursuant to KRS 61.876(4), the Office of Attorney General has promulgated by administrative regulation this form. *See* 40 KAR 1:040.