

## Open Records Policy

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Under the provisions of the Kentucky Revised Statutes (KRS 61.870-61.884) the public records of all administrative agencies of the Kentucky State Government are open for inspection by any person in accordance with administrative regulations set by the Finance and Administration Cabinet under 200 KAR 1:020. The Jessamine County Public Library's public records procedure is based on those regulations. A citizen may request to view public records on-premises and/or receive copies by mail.

### What constitutes a public record?

"Public record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, records, or other documentary materials prepared, owned, used, in the possession of, or retained by the Library. It does not include any records owned by a private person or corporation that are (a) in the possession of the Library or one of its employees and (b) do not relate to any function, activity, program, or operation funded by the state.

### Who may request to view public records?

Anyone may request records, but only residents have an enforceable right. KRS 61.870(10) recognizes the following categories as "residents":

- (1) a person who lives in Kentucky;
- (2) a business located in Kentucky;
- (3) a business registered in Kentucky;
- (4) a person who is employed or works in Kentucky;
- (5) a person who owns property in Kentucky;
- (6) an authorized representative of any of the previous;
- (7) a news gathering organization as defined in KRS 189.635(8)(b)1.

### How does one request to view a public record?

There are two ways to request a public record.

- (1) A self-prepared written request that must contain a precise description of the records sought, a statement of residency as defined above, the requestor's name printed/typed legibly, the requestor's signature, the requestor's mailing or email address if copies are requested, and whether the request is for commercial or non-commercial purposes. (Commercial purpose is defined in KRS 61.870(4) as "any use by which the user expects a profit either through commission, salary, or fee," but excludes news media and attorneys representing parties in litigation.)
- (2) A standardized [open records request form](#) from the Kentucky Attorney General. Requests may be hand-delivered or sent by US Mail, fax, or email.

### Who is the records custodian for Jessamine County Public Library?

The Executive Director serves as custodian of records. Open records requests or questions regarding open records may be directed to:

## Jessamine County Public Library

Executive Director  
Jessamine County Public Library  
600 South Main Street  
Nicholasville, KY 40356  
Phone: 859-885-3523  
Fax: 859-885-5164  
Email: [openrecords@jesspublib.org](mailto:openrecords@jesspublib.org)

### **How long does the Library have to respond to an open records request?**

The records custodian must respond to a request within five (5) business days. The date of receipt is considered "day zero."

### **Are any public records not viewable by the public?**

There are exceptions to the public record rule under KRS 61.878(1):

- (1) records of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (2) records confidentially disclosed for scientific research;
- (3) records which if disclosed would permit an unfair commercial advantage to competitors;
- (4) records relating to prospective location when interest in locating, relocating, or expanding has not been previously disclosed;
- (5) records developed in conjunction with financial institutions which reveal internal examining or audit criteria;
- (6) real estate appraisals, engineering or feasibility estimates, and evaluations made in the course of acquiring property, until all of the property has been acquired;
- (7) test questions, scoring keys, and other examination data before an exam is given or given again;
- (8) records of law enforcement agencies or agencies involved in administrative adjudication if disclosure would harm the agency by premature release;
- (9) preliminary documents in which opinions are expressed or policies formulated;
- (10) public records that are prohibited from disclosure by state or federal law;
- (11) records which would have a reasonable likelihood of threatening public safety;
- (12) records having historic, literary, artistic, or commemorative value where a donor requests nondisclosure in writing;
- (13) records of an in-progress procurement process under KRS Chapter 45A or 56;
- (14) communications of a purely personal nature unrelated to any governmental function;
- (15) photos and/or videos depicting a person's death, killing, rape, or sexual assault (KRS 61.878(1)(q));
- (16) public records/information of which federal law or regulation or state law prohibit disclosure.

## Jessamine County Public Library

### **What if a request is denied?**

If a request to view records is denied, the Library Executive Director will issue a written denial that specifically points to the applicable exemption in KRS 61.878(1).

### **Is there a cost to receive copies of public records?**

Photocopies may be requested of public records at the rate of ten (10) cents per page for black and white and thirty-five (35) cents per page for color. The Library may require any requestor to certify whether records will be used for a commercial purpose prior to producing the records (KRS61.874(4)(b)), and if the request is commercial in nature, the Library may also charge the requestor for the cost of media, mechanical processing, and staff required to fulfill the request (KRS 61.874(4)(c)). The Library will advise the requestor of the total or approximate cost of the copying before the copies are prepared, and the requestor will pay the copy fee prior to receiving the copies.