

KENTUCKY ASSOCIATION OF COUNTIES OPEN RECORDS POLICY

Revised June 2026

Purpose

The purpose of this Policy is to comply with KRS 61.876(1) that requires public agencies such as the Kentucky Association of Counties (“KACo”) to adopt rules and regulations in conformity with the provisions of the Kentucky Open Records Act (KRS 61.870 to 61.884) (“KORA”) to provide full access to public records consistent with the requirements of KORA, to protect public records from damage and disorganization, to prevent excessive disruption of its essential functions, to provide assistance and information upon request and to ensure efficient and timely action in response to application for inspection. This Policy supersedes all relevant policies regarding this topic that previously existed.

Principal Office and Hours

KACo’s principal office is located at 400 Englewood Drive, Frankfort, Kentucky 40601. Regular office hours are 8:00 a.m. ET (7:00 a.m. CT) to 4:00 p.m. ET (3:00 p.m. CT), Monday through Friday.

Official Custodian

For purposes of KORA, the official custodian of KACo’s records is KACo General Counsel Timothy A. Sturgill, 400 Englewood Drive, Frankfort, Kentucky 40601. His email address for purposes of KORA is openrecords@kaco.org and his phone number is (502) 223-7667.

Procedures for Submitting a Request

A resident of the Commonwealth of Kentucky as defined by KRS 61.870(10) may request to inspect the public records of KACo by submitting a written application, during KACo’s regular office hours, to the official custodian identified above. The application shall be signed by the applicant and with his or her name printed legibly on the application, describing the records to be inspected. The applicant shall also provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f). An applicant may utilize the standardized Request to Inspect Public Records Form, Form OAG-1, June 2021 promulgated by the Office of the Attorney General pursuant to 40 KAR 1:040. Form OAG-1 may be found here.

www.ag.ky.gov/Open%20Records%20Advisory/2021_Standardized_Open_Records_Request_Form_V3.pdf

The written application shall be hand delivered, mailed, sent via facsimile [(502) 234-5113] or sent via email.

A resident of the Commonwealth may inspect the public records during KACo’s regular office hours or by receiving copies of the public records through the mail or electronically.

Responding to Records Requests

The official custodian or the custodian’s designee shall provide a response to an application to inspect KACo’s public records within five (5) business days of the date the application is received. If additional time is needed under KRS Chapter 61 to gather and process the requested records, the custodian or the custodian’s designee shall notify the applicant within five (5) business days from the date the application is received of the cause for the delay and the earliest date on which the requested records will be available for inspection. Applications received outside of KACo’s regular office hours shall be considered as being received on the following business day.

The official custodian or the custodian’s designee shall determine whether the applicant has reasonably described records within the possession of KACo. If no such records are identified, the request may be denied on those grounds. If it is determined that the records are within KACo’s possession, the custodian or the custodian’s designee shall gather the responsive records shall then determine which records, if any, are exempt from disclosure under KORA and make appropriate redactions.

If the official custodian or the custodian’s designee determines that the application should be denied in whole or in part, the custodian or the custodian’s designee shall notify the applicant with an explanation for the decision to withhold any responsive records, citing the specific exemption in statute as the basis of the denial.

If the application places an unreasonable burden for producing public records, or if the custodian or the custodian’s designee has reason to believe that repeated requests are intended to disrupt other essential functions of KACo, the official custodian or the custodian’s designee may refuse to produce the records and shall notify the applicant of that decision.

Fees

The fee for copies of public records requested for noncommercial purposes in 8.5" x 11" paper format is \$0.10 per page, plus postage if applicable. The fee for copies of records in any other standard format shall be the actual cost incurred by KACo to reproduce the records, including the costs of the media and any mechanical processing costs, plus postage if applicable. The fee for the production of records in a nonstandardized format may also include staff costs as well as actual costs incurred.

If it appears that copies of records are requested for a commercial purpose, KACo may require a certified statement from the requestor stating the commercial purpose for which the records will be used, and may require the requestor to enter into a contract to permit the use of the public records for the stated commercial purpose for a specified fee. The fee shall be based on one or both of the following: (1) the cost of the media, mechanical processing, and staff required to produce a copy of the records and/or (2) the cost of the creation, purchase or other acquisition of the records.

All fees for copies of public records shall be paid in advance of receiving the copies.