Kentucky River Regional Jail, Inc.
Open Records Policy

PURPOSE

Public policy requires "free and open examination of public records." KRS 61.871. Accordingly, the Kentucky River Regional Jail, Inc. ("KRRJ") must respond effectively and efficiently to records requests in a consistent and coordinated manner. Therefore, this Open Records Policy ("Policy") sets forth the standards for all KRRJ employees when a records request is received and ensures compliance with all applicable open records laws.

APPLICABILITY

This Policy supersedes any relevant policy that previously existed. This Policy applies to all the KRRJ's "public record[s]" as defined in KRS 61.870(2).

POLICY

Records Custodian: The KRRJ shall designate an employee as its Records Custodian. The Records Custodian shall review the Kentucky Open Records Act, 200 KAR 1:020, and "The Kentucky Open Records & Open Meetings Acts: A guide for the public and public agencies" published by the Office of the Attorney General. The Records Custodian shall ensure compliance with the Kentucky Open Records Act, 200 KAR 1:020, this Policy, and all relevant requests.

Designated Records Custodian: Adam Dials, Assistant Administrator

Mailing Address: 200 Justice Drive, Hazard, KY, 41701

Email Address: perryjailcd@ky.gov

Phone: (606) 436-1008

Responding to Records Requests: All requests for copies or review of public records in the custody of the KRRJ must be made in writing. A request may be sent electronically to the email address identified above. Requests may also be mailed to the KRRJ at the above mailing address or hand delivered to the KRRJ at 200 Justice Drive, Hazard, KY, 41701.

The Records Custodian shall provide a response to the records request that is postmarked or electronically transmitted within five business days of the date the request is received. Notice shall be sent promptly to the requesting party if additional time is needed under KRS Chapter 61. When a response is delayed, the notice shall specifically indicate that additional time is required to process the request and explain the circumstances justifying additional processing time.

The Records Custodian shall determine whether the requester has reasonably described records within the possession of the KRRJ. If no such records are identified, the request may be denied on those grounds. However, if it is reasonably believed that another public agency is in possession of the records described in the request, the Records Custodian shall refer the requester to the appropriate records

custodian, providing both their name and contact information. If it is determined that the records are within the KRRJ's possession, the Records Custodian shall gather them for processing. Records that are responsive shall be segregated from nonresponsive records (i.e., records that were not requested). The Records Custodian shall then examine responsive records to determine which records, if any, are exempt from disclosure and make appropriate redactions.

The Records Custodian may require the requester to provide a written statement in which the requester explains how he or she qualifies as a resident of the Commonwealth under KRS 61.870(10). If the requestor is not a resident of the Commonwealth, then the request will be denied.

If the Records Custodian determines that the records request should be denied in whole or in part, the Records Custodian shall notify the requester with an explanation for the decision to withhold any responsive records, citing the specific exemption in statute as the basis for withholding. If any part of a request for records is denied, the Records Custodian shall confer with legal counsel to ensure accuracy in applying the law.

If the request places an unreasonable burden for producing public records, or if the Records Custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the KRRJ, the Records Custodian may refuse to produce the records upon conferring with legal counsel prior to denying the request.

The KRRJ may have legal counsel respond to record requests on its behalf.

Record Production and Fees: Requestors are required to pay the fees they incur pursuant to this Policy before receiving the records they have requested.

When responsive records are to be transmitted via email to the requester, there is no charge to the requester. However, if the responsive material is more than twenty megabytes, at the option of the Records Custodian, the documents may be stored on a flash drive and mailed to the requester. Prior to mailing, the Records Custodian shall provide an invoice to the requester for the production and postage. The fee for each flash drive shall be the actual cost of the flash drive paid by the KRRJ.

When responsive records are to be mailed to the requester, the Records Custodian shall first provide an invoice to the requester for the production and postage. Printing costs for standard pages are $0.10 per page, or at the rate prescribed or allowed by statute, if different, and additional fees shall be justified on any invoice. Copies of photographs, maps, and other such records shall be furnished to any person who made a valid request on payment of a fee equal to the KRRJ's actual cost to produce the copies. Estimated costs shall be communicated to the requestor before costs are incurred. After the invoice is paid, the Records Custodian shall produce the responsive records to the requester.

If the requester wishes to personally inspect responsive records at the KRRJ's headquarters, or the location where the records are maintained, the Records Custodian shall facilitate with the requester the scheduling of a convenient time and place for inspection between 8:00 a.m. and 4:30 p.m., Monday through Friday. The Records Custodian, or an employee of the KRRJ, shall be present and personally monitor the inspection.

Commercial Purpose Requests: The Records Custodian may require a written certification from the

requestor as to whether the purpose of the request constitutes a "commercial purpose" within the meaning of KRS Chapter 61. If the request is for a commercial purpose, the KRRJ will charge a copying fee of $0.25 per page. The KRRJ may also charge for personnel time in fulfilling commercial requests. Personnel time shall be calculated at the rate of pay for the personnel responding to the request. If a commercial request requires review by non-salaried counsel, then the KRRJ may include in the invoice to the requestor the amount of its actual and reasonable attorneys fees incurred in complying with the request. The KRRJ may require a commercial requestor to enter into an agreement with the KRRJ that the records will only be used for the commercial purpose that is disclosed to the KRRJ.

END OF DOCUMENT.