

1 AN ACT relating to open records.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 61.872 is amended to read as follows:

4 (1) All public records shall be open for inspection by any person, except as otherwise
5 provided by KRS 61.870 to 61.884, and suitable facilities shall be made available
6 by each public agency for the exercise of this right. No person shall remove original
7 copies of public records from the offices of any public agency without the written
8 permission of the official custodian of the record.

9 (2) Any person shall have the right to inspect public records. The official custodian may
10 require:

11 **(a)** Written application, signed by the applicant and with his name printed legibly
12 on the application, describing the records to be inspected. The ***written***
13 application shall be hand delivered, mailed, or sent via facsimile to the public
14 agency;

15 **(b)** ***Facsimile transmission of the written application described in paragraph***
16 **(a) of this subsection; or**

17 **(c)** ***E-mail of the application described in paragraph (a) of this subsection.***

18 (3) A person may inspect the public records:

19 (a) During the regular office hours of the public agency; or

20 (b) By receiving copies of the public records from the public agency through the
21 mail. The public agency shall mail copies of the public records to a person
22 whose residence or principal place of business is outside the county in which
23 the public records are located after he precisely describes the public records
24 which are readily available within the public agency. If the person requesting
25 the public records requests that copies of the records be mailed, the official
26 custodian shall mail the copies upon receipt of all fees and the cost of mailing.

27 (4) If the person to whom the application is directed does not have custody or control of

1 the public record requested, that person shall notify the applicant and shall furnish
2 the name and location of the official custodian of the agency's public records.

3 (5) If the public record is in active use, in storage or not otherwise available, the official
4 custodian shall immediately notify the applicant and shall designate a place, time,
5 and date for inspection of the public records, not to exceed three (3) days from
6 receipt of the application, unless a detailed explanation of the cause is given for
7 further delay and the place, time, and earliest date on which the public record will
8 be available for inspection.

9 (6) If the application places an unreasonable burden in producing public records or if
10 the custodian has reason to believe that repeated requests are intended to disrupt
11 other essential functions of the public agency, the official custodian may refuse to
12 permit inspection of the public records or mail copies thereof. However, refusal
13 under this section shall be sustained by clear and convincing evidence.