

**Administrative Regulations Governing Inspection of the Public Records of
BULLOCK PEN WATER DISTRICT**

OPEN RECORDS POLICY

I. Purpose

Pursuant to KRS 61.870 to 61.884, the Bullock Pen Water District (BPWD) is adopting the following policy to:

- Provide full access to public records
- Protect public records from damage and disorganization
- Prevent excessive disruption of its essential functions
- Provide assistance and information upon request
- Insure efficient and timely action in response to application for inspection

II. Scope

This policy applies to all employees and all public records, regardless of format.

III. Principal Office of BPWD/Regular Office Hours

BPWD's main office is located at One Farrell Drive, Crittenden, KY 41030. Regular office hours are 8:30 a.m. to 3 p.m., Monday through Friday, except holidays and emergency closing.

IV. Open Records Request Application

1. A request made by an applicant under the Open Records Act may be completed on the attached form.
2. Any application for records made under the Open Records Act shall include at a minimum the following:
 - a. Name of requesting party;
 - b. The mailing or email address of the requesting party, if copies of records are requested.
 - c. Whether the request is for a commercial purpose;
 - d. A description of the documents requested;
 - e. A statement that the person making the request:
 - (1) Is a resident of the Commonwealth of Kentucky as defined in KRS 61.870(10); and
 - (2) The statement describing in detail how the applicant is a resident of the Commonwealth of Kentucky.
 - f. The signature of the requesting party.

V. Official Custodian of Records

The Official Custodian of Records for BPWD pursuant to KRS 61.870(5) is Amy Ruark. Contact address is One Farrell Drive, Crittenden, KY 41030. Contact email address is bullockpen@bpwd.org.

VI. Fees for Reproduction of Requested Records for Noncommercial Purposes

1. Those seeking public records may be charged only the actual cost of copies not including cost of staff required to make the copies.
2. Copies of written material 8 ½ x 11 to 11 x 17 are \$0.10/page.
3. Copies of large format written material over 11 x 17 are \$2.00 each.
4. Electronic material requested (photographs, maps, material stored in computer files or videos, etc.) will be charged for actual cost of producing copies.
5. No charge for electronic copies sent via e-mail.

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6. If records are requested to be mailed, there will be a charge for the actual cost of postage and mailing supplies.

VII. Application to Inspect Open Records

1. Application must be made in writing to the official custodian. The form for the inspection of public records can be found at www.bpwd.org or may be furnished to the applicant by BPWD upon request via e-mail or U.S. mail. Assistance in completing the application form will be provided by an BPWD employee upon request.
2. An Application requesting records may only be made by a resident of the Commonwealth of Kentucky and must be made with sufficient clarity to allow BPWD to identify, retrieve, and review the records requested. A "resident of the Commonwealth of Kentucky" shall include:
 - a. An individual residing in the Commonwealth;
 - b. A domestic business entity with a location in the Commonwealth;
 - c. A foreign business entity registered with the Secretary of State;
 - d. An individual that is employed and works at a location or locations within the Commonwealth;
 - e. An individual or business entity that owns real property within the Commonwealth;
 - f. Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection; or
 - g. A news-gathering organization as defined in KRS 189.635(8)(b) 1.a. to e.

The Applicant must provide a statement in the written Application of the manner in which the Applicant is a resident of the Commonwealth of Kentucky under paragraphs (a) to (f) as outlined above.

VIII. Response to Request to Inspect Open Records

1. BPWD will respond to the application:
 - a. In writing;
 - b. To the person making the request; and
 - c. Within five (5) days after the date of receipt of the written application (excepting Saturdays, Sundays, and legal holidays).
2. The response will include:
 - a. BPWD's statement of whether it will comply with the request for inspection;
 - b. BPWD's statement, if inspection of any or all of the requested public records is denied, of the specific exception authorizing the withholding of the record withheld, and a brief explanation of how the exception applies to the record(s) withheld;
 - c. The response shall designate a place, time, and date for inspection of the public record(s) not to exceed five (5) work days after the date of receipt of the written application. Inspection may be delayed if a detailed explanation of the cause for the delay is given and the place, time, and earliest date on which the public record will be available for inspection is stated.
3. The response shall be issued by the official custodian or under his/her authority. If requested records do not exist or cannot be located, BPWD shall specifically indicate the fact to the person who has requested the records and indicate what steps were taken to locate the record.
4. The public agency is not obligated to create records to satisfy a particular open records request.
5. The written Application shall be hand-delivered, mailed through the United States Postal Service, sent via facsimile, or sent via email to BPWD's official custodian of public records, or his/her designee at bullockpen@bpwd.org.

IX. Copying of Open Records

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1. No person shall remove the originals of public records from the office of BPWD.
2. The applicant has the right to make abstracts and memoranda of the public records that are inspected.
3. The applicant has the right to obtain copies of:
 - a. All public records not exempted by the terms of KRS 61.878.
 - b. Public records other than written records if such duplication will not damage or alter the records.
4. BPWD shall require advance payment of the prescribed fee, including postage where appropriate when copies are requested.

X. Exceptions to Right of Inspection

The official custodian may refuse to permit inspection of public records , or mail copies thereof, if:

1. The application places an unreasonable burden in producing public records , if supported by clear and convincing evidence.
2. The custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, if supported by clear and convincing evidence.
3. The Open Records Act permits a public agency to withhold certain records from a requester unless the requester obtains a court order directing their release. The exemptions are located at KRS 61.878(1) and include:
 - a. Records containing information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy.
 - b. Records confidentially disclosed to an agency and compiled and maintained for scientific research.
 - c. Records confidentially disclosed to an agency or required by the agency to be disclosed to it which are generally recognized as confidential or proprietary and which if disclosed would permit an unfair commercial advantage to competitors, including records which are compiled and maintained in conjunction with an application for or the administration of a loan or grant; the application for or the administration of assessments, incentives , inducements, or tax credits; or the regulation of a commercial enterprise.
 - d. Records that relate to the prospective locations of a business or industry which has not previously disclosed that it is interested in locating, relocating, or expanding in Kentucky.
 - e. Real estate appraisals, engineering or feasibility estimates, and evaluations made by or for a public agency in the course of acquiring property, until all of the property has been acquired.
 - f. Preliminary documents, including drafts, notes, and correspondence with private individuals, recommendations, and memoranda in which opinions are expressed or policies formulated.
 - g. Public records that are prohibited from disclosure by state or federal law.
 - h. When disclosure of such records would have reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing , protecting against, mitigating , or responding to a terrorist act, as defined in the exemption, and limited to eight precisely described categories of records.

XI. Failure to Inspect Available Records

1. If the requester fails to inspect documents within thirty (30) days from the date the requester receives notice that documents are available for inspection, BPWD will return the records to their custodian(s) to be re-filed in their normal storage location and the request will be considered closed.

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2. If a subsequent request for the same records is made by the same person, the subsequent request will be considered an attempt to disrupt other essential functions of BPWD, and BPWD may refuse to permit inspection of the public records or mail copies thereof.

BULLOCK PEN WATER DISTRICT

BY: 

CHARLES GIVIN, CHAIRMAN

ADOPTED: JULY 21, 2021