



CHILDREN'S ADVOCACY CENTER OF KENTUCKY  
POLICIES GOVERNING OPEN RECORDS REQUESTS

### **Purpose**

Public policy requires "free and open examination of public records." KRS 61.871. In the context of a children's advocacy center, this policy must account for the confidential nature of the work performed at the children's advocacy centers.

This Open Records Policy ("Policy") sets forth the standards for the Children's Advocacy Center of Kentucky ("CAC Kentucky") and may be used as an example for other Children's Advocacy Centers across Kentucky when a records request is received to ensure consistent compliance with all applicable open records laws.

### **Applicability**

This Policy supersedes any relevant policy that previously existed. All employees are to read this policy and complete the Policy Acknowledge Form to indicate that they have read, understand, and will comply with this Policy.

### **Policy**

#### **Records Custodian:**

CAC Kentucky shall designate at least one employee to act as its Records Custodian. This person should have a general understanding of the operations of CAC Kentucky as well as the records collected, created and maintained by the CAC Kentucky. The Records Custodian should review the Kentucky Open Records Act at KRS 61.870 *et seq.*; regulations governing Open Records Requests at 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 to help properly respond to records requests.

CAC Kentucky designates the following person(s) Records Custodian:

Name:

Title:

Mailing Address:

Email Address:

Phone:

## **Responding to Records Requests**

All requests for copies or review of public records in the custody of CAC Kentucky must be made in writing. A request may be sent electronically to the Record Custodian's email address identified above. Requests may also be mailed to the CAC Kentucky or hand delivered. CAC Kentucky will provide a link on its website to the Open Records Request Form developed by the Kentucky Attorney General's Office, [here](#); however, CAC Kentucky will respect and seek to properly comply with a written request that is given to it in some other fashion. CAC Kentucky reserves the right to respond to the requester by seeking clarification or other additional information to help it adequately comply with the request.

The Records Custodian shall provide a response to the records requester that is postmarked or electronically transmitted within five business days of the date the request is received, and shall similarly notify the requesting party if additional time is needed to comply with the request and shall explain why additional time is needed for compliance.

**The Records Custodian is encouraged to consult with CAC Kentucky's legal counsel to ensure accuracy in applying the law whenever the Records Custodian has a question about responding to a request.**

The Records Custodian shall determine whether the requester has reasonably described records within the possession of CAC Kentucky, which reserves the right not to create records in response to a request, and the request may be denied on those grounds. If the Records Custodian believes that another public agency is in possession of the records described in the request, the Records Custodian shall refer the requester to the appropriate agency and provide publicly available contact information for the records custodian of that other agency.

If the requested records are within CAC Kentucky possession, the Records Custodian shall gather them for processing. Records that are responsive to the request shall be segregated from nonresponsive records which 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, including but not limited to personal information contained on the records and attorney client communications.

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 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 CAC Kentucky, the Records Custodian may refuse to produce the records upon conferring with legal counsel prior to denying the request.

**The Records Custodian is encouraged to notify other agencies who may need to know about a particular request, any questions about this should be discussed with counsel.**

### **Record Production and Fees**

CAC Kentucky will seek to produce the records in the format requested, but reserves the right to produce them in the format that is most reasonable to CAC Kentucky. When responsive records are to be transmitted electronically to the requester, there is generally no charge to the requester but CAC Kentucky reserves the right to charge for expenses it incurred in complying with the production. If costs are incurred in an electronic production, an invoice will be provided to the requester and full payment must be received prior to production of the records.

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 are \$0.10 per page, and additional fees shall be justified on any invoice. Copies of photographs, maps, and other such records shall be furnished to any person requesting them on payment of a fee equal to CAC Kentucky's actual cost to produce the copies. Estimated costs shall be communicated to the requestor before costs are incurred. Prior to mailing, the Records Custodian shall provide an invoice to the requester for the production and postage. After the invoice is paid in full, the Records Custodian shall produce the responsive records to the requester.

If the requester wishes to personally inspect responsive records at CAC Kentucky, 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 CAC Kentucky, shall be present and personally monitor the inspection. CAC Kentucky reserves the right to refuse to admit the requester for good cause.