

Kentucky – State Public Record Laws

Citations	<p>Kentucky Revised Statutes 61.870 – 61.884 http://www.lrc.ky.gov/Statutes/statute.aspx?id=40138</p>
Exemptions to Disclosure	<ul style="list-style-type: none"> • Preliminary drafts • Work product • “Records confidentially disclosed to an agency and compiled and maintained for scientific research.” Kentucky ORA 61.878 • Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended. KRS § 61.878 • Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. KRS § 61.878
Access Rights	<ul style="list-style-type: none"> • Any person • During regular office hours • Can also inspect by receiving copies through mail, upon paying all fees and cost of mailing • If in active use, notify requestor of when will be available • Also as with other states, if requestor doesn’t contact custodian, person contacted shall notify requestor of name and location of official custodian • Custodian can refuse access if demonstrates by clear and convincing evidence that the requests are intended to disrupt other essential functions of the agency, or the request places unreasonable burden in producing public records • If any public record contains material which is not exempted under this section, the public agency shall separate the excepted and make the nonexempt material available for examination. KRS § 61.878
Destruction of Public Records	<ul style="list-style-type: none"> • Under the terms of KRS 519.060 (1) (b), a person who “intentionally destroys, mutilates, conceals, removes, or otherwise impairs the availability of any public records” without the authority to do so is guilty of tampering with public records, a Class D felony. • The destruction of public records is subject to the terms of KRS 171.410-740 (the State Archives and Records Act), in conjunction with 725 KAR 1:030 (Disposal or destruction of public records; procedure).