



Open Records Requests and Records Retention

The Paducah McCracken County Joint Sewer Agency (JSA) is subject to the Kentucky Open Records Act (KRS 61.870-61.884) and certain requirements with regard to records retention.

Retained Records

The JSA will maintain and retain its records in accordance with applicable laws and regulations. Unless otherwise provided by law, records may be retained or discarded according to the Records Retention Schedules as adopted by the State Archives and Records Commission.

Public Records

Not all records of the JSA will necessarily be "public records" under the Open Records Act, and even some public records are exempt from operation of the Act. "Public records" generally mean all books, papers, maps, photographs, cards, tapes, discs, diskettes, records, or other documentary materials prepared, owned, used, in the possession of, or retained by the JSA. JSA will adhere to the definition of public records as defined in KRS61.870(2).

Requests for Records

Effective June 29, 2021, only "residents of the Commonwealth" as defined by KRS 61.870(10) may request to inspect or receive copies of the JSA's public records. All requests to view or copy the JSA's public records pursuant to the Kentucky Open Records Act must be made in writing and must contain the requester's name and signature. A requestor may utilize the form provided by the Kentucky Attorney General's Office, which is attached to this policy for a request. All Open Records Requests must be submitted via mail, hand-delivered copy or electronic mail to the Records Custodian. Open Records Requests should be directed to the attention of the JSA's Open Records Custodian. If a requester is requesting to be provided with copies of non-exempt public records, they must provide a sufficiently precise description of the documents they are seeking so as to allow the Records Custodian to readily identify them.

Response

The JSA has five (5) business days in which to respond to an Open Records Request. This time begins to run the next business day after the request is received.

The response to an Open Record Request may: (1) grant the request, (2) deny the request, (3) explain that there will be a delay in responding to the request; or any combination thereof. To the extent a request is granted, the response will provide a timeframe when the requested non-

exempt public documents may be inspected in person, or will inform the requester of the applicable copying charge and postage fee required to be paid before copies of the non-exempt public documents may be provided. To the extent a request is denied, the response will provide the legal cause for the denial. To the extent the full response to a request is delayed, the initial response will give a detailed explanation of the cause for any delay and an estimate of when a complete response may be expected

Copies

To the extent a request is granted, copies of the responsive non-exempt public written records requested may be provided at a cost of \$0.10 per page, along with any applicable postage costs, all of which must be pre-paid by the requester. Requests for specialized or non-standard copies (e.g. color or oversized copies) will be provided at the cost incurred by the JSA to produce them. Copies of non-written records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record. The JSA may also recover costs associated with staff time expended in responding to a request made for a commercial purpose. See KRS §61.870(4), §61.874 and §61.8745. Non-public or exempt information may be redacted as appropriate from copies of otherwise non-exempt public records provided. The JSA may elect to waive costs less than \$10.00.

The JSA requests payment by certified check or money order. The certified check or money order should be made payable to the Paducah McCracken County Joint Sewer Agency and mailed to the Open Records Custodian, Paducah McCracken County Joint Sewer Agency, 621 Northview Street, Paducah, KY 42001.

Payment is expected at the time the records are picked up at the JSA or prior to mailing. No hard copies of requested records will be provided until all payments, including any shipping charges, have been received by the JSA.

Onsite Examination of Records

To the extent a request is granted, it is requested that individuals wishing to conduct an on-site inspection of non-exempt public records contact the JSA to schedule an appointment during the regular hours of the JSA. An on-site inspection may be required by the JSA if the request is not precise in nature. Public records must be inspected in the location set by the JSA. During their inspection, a requester may request copies of non-exempt public records (at his/her own cost), but may not remove, alter or add to documents provided for review. The JSA is responsible for protecting the security of public records in its custody, and may require that a staff member be present during any inspection or copying of its public records.

Denial of Request

Certain public records are exempt from inspection under the Open Records Act. Requests to inspect or receive copies of these exempt records will be denied, as will a request to inspect or receive copies of any other records which are either not public or which are exempt under the Act. Under certain circumstances, the JSA may find that a request would create an unreasonable burden to comply with, and may deny such a request for that reason. Requests that the JSA believes are intended to disrupt its essential functions may also be denied. Reasons that a request may be deemed unduly burdensome for compliance, or which may be disruptive to the JSA may include time and expense involved in retrieving and duplicating the records, or in the type and nature of the request. To the extent a request is denied, the JSA will provide the legal basis for the denial to the requester.

JSA Records Custodian

John Hodges, Executive Director

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Paducah, KY 42001

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270-575-0056

Adopted 10/28/2021

Request to Inspect Public Records

Pursuant to the Kentucky Open Records Act (“the Act”), KRS 61.870 *et seq.*, the undersigned requests to inspect the public records which are described below.

Requester’s contact information.

Name: [REDACTED]

Mailing Address: [REDACTED]

E-mail Address (if applicable): [REDACTED]

Records to be inspected:
[REDACTED]

Statement regarding the use of public records. KRS 61.870(4) defines “commercial purpose” as “the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.” However, “commercial purpose” does not include the publication or related use of the public record by a newspaper or periodical, by a radio or television station in its news or informational program, or by use in the prosecution or defense of litigation by the parties to such an action or their attorney.

This request is (choose one):

- NOT for a commercial purpose; or
- FOR a commercial purpose.

Statement regarding residency. I further state that I am a resident of Kentucky because I am (please check one):

- An individual residing in the Commonwealth; or
- A domestic business entity with a location in the Commonwealth; or
- A foreign business entity registered with the Kentucky Secretary of State; or
- An individual that is employed and works at a location within the Commonwealth; or
- An individual or business entity that owns real property within the Commonwealth; or
- An individual or business entity that has been authorized to act on behalf of an individual or business entity listed above; or
- A news-gathering organization as defined in KRS 189.635(8)(b)1a. to e.

Signature: [REDACTED] Date: [REDACTED]