

**Administrative Regulations Governing Inspection of the Public Records of
NORTHERN KENTUCKY WATER DISTRICT**

OPEN RECORDS POLICY

I. Purpose

Pursuant to KRS 61.870 to 61.884, the Northern Kentucky Water District (NKWD) 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 NKWD/Regular Office Hours

NKWD's main office is located at 2835 Crescent Springs Rd., Erlanger, KY 41018. Regular office hours are 8:00 a.m. to 5 p.m., Monday through Friday, except holidays and emergency closing.

IV. Official Custodian of Records

The NKWD Vice President of Finance & Support Services is the Official Custodian of Records for NKWD pursuant to KRS 61.870(5). Contact address is 2835 Crescent Springs Rd., Erlanger, KY 41018.

V. 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.
6. If records are requested to be mailed, there will be a charge for the actual cost of postage and mailing supplies.
7. No charge for requests under \$5.00; requests over \$5.00 will be invoiced.

VI. 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.nkywater.org or may be furnished to the applicant by NKWD upon request via e-mail or U.S. mail. Assistance in completing the application form will be provided by an NKWD employee upon request.
2. The person requesting records must do so with sufficient clarity to allow NKWD to identify, retrieve and review the records.

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VII. Response to Request to Inspect Open Records

1. NKWD will respond to the application:
 - a. In writing;
 - b. To the person making the request; and
 - c. Within three (3) days after the date of receipt of the written application (excepting Saturdays, Sundays, and legal holidays).
2. The response will include:
 - a. NKWD's statement of whether it will comply with the request for inspection;
 - b. NKWD'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 three (3) 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, NKWD 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.

VIII. Copying of Open Records

1. No person shall remove the originals of public records from the office of NKWD.
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. NKWD may require advance payment of the prescribed fee, including postage where appropriate, when copies are requested.
5. NKWD may require the applicant to appear in person to inspect the public records before supplying copies of the records if the applicant's residence or principal place of business is in Kenton County, Kentucky.

IX. 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.

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- 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.

X. 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, NKWD will return the records to their custodian(s) to be re-filed in their normal storage location and the request will be considered closed.
- 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 NKWD, and NKWD may refuse to permit inspection of the public records or mail copies thereof.