



## OPEN RECORDS POLICY

Pursuant to the Kentucky Open Records Act, KRS 61.870 – 61.884, public records of the Henderson County Attorney's Office (HCAO) that are not exempted by law are open for inspection by the public upon receipt of a written request.

Certain records are not public records. Those which are not public are specified in federal and state law or rulings of the Attorney General or Courts. The HCAO will not make those exempted records available for public inspection.

Please be advised that, pursuant to KRS 61.878(1)(h), records or information compiled and maintained by county attorneys or Commonwealth's attorneys pertaining to criminal investigations or criminal litigation shall be exempted from the Open Records Act and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action.

Please be further advised that the HCAO is not the records custodian of investigative reports of law enforcement agencies. Any Open Records requests for investigative reports should be made directly to the agency which generated the report.

The HCAO is also not the custodian of all records of Henderson County Government. Requests for records from other county agencies, such as Fiscal Court, Jail, Sheriff's Office, County Clerk's Office, Coroner's Office, should be made directly to those agencies pursuant to their policies.

### **To Make an Open Records Request**

Please submit all requests in writing, signed by the applicant and with the applicant's name printed legibly on the application, through one of the methods outlined below. Requests are not accepted by phone. The Attorney General has created a standardized request form, which can be obtained here - [https://ag.ky.gov/Documents/2021\\_Standardized\\_Open\\_Records\\_Request\\_Form\\_V3.pdf](https://ag.ky.gov/Documents/2021_Standardized_Open_Records_Request_Form_V3.pdf)

#### **In Person**

Monday–Friday, 8:00 a.m.–5:00 p.m.  
Henderson County Attorney's Office  
20 N. Main St, Suite 201  
Henderson, KY 42420

#### **Mail**

Open Records  
Henderson County Attorney's Office  
20 N. Main St, Suite 201  
Henderson, KY 42420

#### **Email**

[hcaopenrec@hendersonky.us](mailto:hcaopenrec@hendersonky.us)

#### **Facsimile**

270-827-6032

## **Responses**

Within five business days after the receipt of a written request, the Open Records coordinator will notify applicants by email or mail of the availability of the records requested or of any reason why the records are not available for inspection. Individuals may inspect nonexempt records during regular administrative office hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.) or may request paper copies.

## **Costs**

HCAO charges for all physical media used to provide records. The cost for paper copies is \$0.10 per page. For nonwritten records, such as photographs, discs, etc., a fee equal to the actual cost of producing a copy shall be charged. If an individual requests that copies of the records be mailed, the official custodian will mail the copies upon receipt of all copying fees and the cost of mailing. No charge may be levied for staff time required to reproduce Open Record copies unless for a Commercial Use Request. The HCAO may use its discretion in waiving these charges which are not mandatory, if the total fee amounts to \$2.00 or less. When charges are applicable, no copies will be released until payment has been received either in the form of a check, exact change in cash, or money order. There is no option to "bill" or "invoice" a requestor for copies.

## **Questions**

For questions regarding access to public records, contact the Open Records coordinator.

Open Records Custodian: Kyle Evans, First Assistant County Attorney

Tel: (270)827-5753

Email: [hcaopenrec@hendersonky.us](mailto:hcaopenrec@hendersonky.us)

**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]