

Open Records Requests

Open Records Policy for Boone County Planning Commission (BCPC)

1. All applicants must complete a copy of the Open Records Request Form or provide an alternate request which includes all statutorily required information. The [Open Records Request Form](#) is available in hard copy from the BCPC for download on this site or may be submitted electronically. Questions may be directed to the BCPC at (859)334-2196. Effective June 29, 2021, Open Records Request may also be submitted via the Attorney General's standardized form found [here](#).
2. Open Records Request Forms shall be submitted to the Official Custodian, BCPC, 2950 Washington Street, Burlington, KY 41005 during regular office hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.). Requests may be submitted in person, via fax (859) 334-2264 or e-mailed to the BCPC at plancom@boonecountyky.org. Open Records Requests may also be submitted electronically by clicking [here](#). Requests should be itemized and described as clearly as possible by the applicant.
3. Pursuant to HB 312 (2021) and codified in part in KRS 61.870, only residents of the Commonwealth may request to inspect public records. The definition of resident includes individuals and businesses living, operating and working within the Commonwealth, as well as, news-gathering organizations.
4. A determination will be made within five (5) working days from the date of the application (except for Saturdays, Sundays and legal holidays) regarding approval of the request and the applicant will be notified in writing of the decision within the five day time period. If the request is denied, a statement will be provided citing the statutory exception for the denial. Certain items may be excluded in whole or part if they contain exempted information as prescribed under KRS 61.878.
5. Records will be made available consistent with Open Records statutory requirements. For records requested to be inspected, a time shall be coordinated with the requester with the notification of the approval of the request. All records reviewed shall be reassembled by the applicant in their original order. If copies are removed from clips or bound folders, these documents shall be replaced in their original order in a neat and orderly fashion. No person shall remove original copies of public record information from this office without the written permission of the Official Custodian.

6. Copies of records are available for the following charges, payable in advance:
 - A) Non-commercial document request \$0.10 per copy
 - B) Non-commercial recordings, computer discs, tapes, \$5.00 per copy

7. For non-commercial requests, if record is available in digital format and has been specifically requested to be sent placed on a disc and/or mailed or via email, the BCPC will accommodate this request at no charge. For records requested to be copied, placed on a disc or mailed, the charge (@ \$0.10 per copy; \$5.00 per disc and actual cost of postage) will be noted with the approval notification letter and copies or disc provided and/or mailed when the copy/disc/postage fee is remitted and received by the Boone County Planning Commission.

8. Commercial requests, special requests, or those requested in a non-standardized format shall be subject to higher fees taking into account loss of staff time and actual cost of reproduction. All fees will be noted prior to copying and documents provided when fees are remitted to BCPC.

BCPC OPEN RECORDS REQUEST FORM

Section 1: Contact Information

Name: (Please Print) _____ Date of Request: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

E-Mail (if applicable): _____ Phone (Optional): _____

Statement of Residency: I certify that I am a resident of Kentucky because I am (check one):

____ Individual residing in Kentucky _____ Individual employed and working in Kentucky

____ Foreign business registered with Kentucky Secretary of State _____ Domestic business with location in Kentucky

____ Individual/business owning real property in Kentucky _____ Individual or business entity authorized to act on behalf of an entity listed above

____ New-gathering agency (defined in KRS 189.635 (8)(b) 1a. to e.)

Section 2: Records to be Inspected or Requested

Please provide an itemized list of documents to be inspected (please be as specific as possible. Please add pages if necessary) _____

I **request** the records in the following format (Choose One):

____ Onsite Inspection _____ Receive Copies Electronically through E-Mail (if available electronically)

____ Original Format _____ Receive Copies Electronically on Disc (if available electronically)

For copies of disc, I wish to _____ pick-up copies or _____ have mailed

Purpose of request is for: _____ Non-Commercial Purpose _____ Commercial Purpose

Please describe the commercial purpose: _____

- Records Requests must be delivered in person, mailed, faxed or e-mailed to the BCPC Executive Director. Mailing Address: Boone County Planning Commission, P.O. Box 958, Burlington, KY 41005. Fax Number: 859-334-2264. E-Mail: plancom@boonecountyky.org
- Responses to requests to inspect records will be processed in accordance with KRS 61 61.871-61.884. For requests that are to be copied, provided on disc and/or mailed, notification will be made to cost and records will be mailed once payment is received.
- I hereby certify that the purpose stated is true and accurate. Intentionally misrepresenting the intention is a violation of KRS 61.874.

Signature

Date

| | | | | |
|-----------------------|------------|-----------------------|--------------------------|---------------------|
| STAFF USE ONLY | | | | |
| Date Received: _____ | | Date Completed: _____ | | |
| Copy _____ | Disc _____ | Postage _____ | Staff (commercial) _____ | Total Charge: _____ |

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]