

OPEN MEETINGS LAW

(KRS 61.805 TO 61.850) Continued...

What can I do if there's been a violation?

Notify the presiding officer in writing that you believe there's been a violation and what you think she can do to remedy the violation. The agency has 3 business days to respond. If it denies a violation occurred, the agency must cite the specific statute supporting its denial.

If this doesn't satisfy you, you should mail your written complaint and the agency's written denial to Attorney General within 60 days of receiving the denial. The Attorney General has 10 days to issue an opinion, and either you or the agency may appeal the decision to your local Circuit Court within 30 days. You may also skip the Attorney General process and file suit directly in Circuit Court within 60 days of when you received the agency's response (or 60 days of when you filed the complaint if you didn't receive a response).

Shield Law

(KRS 61.805 to 61.850)

You cannot be compelled to disclose the source of published information. If you have a question, call the KPA Hotline at 502-416-1630.



REPORTER'S POCKET GUIDE TO KENTUCKY OPEN RECORDS, OPEN MEETINGS, AND SHIELD LAW

Questions? Call 502-416-1630



OPEN RECORDS LAW

(KRS 61.870 to 61.884)

What records are public?

The records of virtually every public officer, public agency, and business that derives at least 25 percent of the funds it expends in Kentucky from public sources.

How do you get access to records?

Agencies can vary in their requirements, so check for how the specific agency you are seeking records from receives requests. Most requests have to be in writing, and agencies must now accept these requests via email, mail, or fax. The written request must describe the records you want to inspect and be signed by you. An agency must respond to your request within three days.

It is important to request specific records you seek, and not merely information. An agency has no duty to create a record that does not exist, so phrase your request to obtain specific documents.

You can review records during the agency's regular office hours. If you request it, the agency must mail the records to you, although you may have to pay a fee for copying and postage. The fee for copying cannot exceed the actual cost of copying (\$0.10/page has been found reasonable by the Attorney General), and may not include staff time required to make copies. If records are transmitted electronically, the agency should only charge you for the cost of the electronic medium used to transmit it, and not a per-page fee.

If the agency you send your request to does not have custody of the records, it must notify you where the records are located

What records are excluded?

Some records of public agencies are exempt from disclosure. These include: records that would constitute a clearly unwarranted invasion of someone's privacy; confidential records related to scientific research; confidential business records that would give a competitor an unfair commercial advantage; confidential records disclosed to an agency as part of an application for a loan, grant, or tax incentives; some records related to the prospective location of a business; preliminary records or memoranda that express opinions or propose policies; records that would threaten public safety; and exemptions created by other statutes. If you are denied access to records, insist that the agency cite the specific statutory exemption that they are relying on and explain how it applies. Contact the KPA Hotline at 502-416-1630 with any questions.

Even if some information is exempted from disclosure, the agency must redact the record and release the remaining information.

An agency may also deny you access to records if they believe that you have submitted repeat requests intended to disrupt the essential functions of the agency. Contact the KPA Hotline at 502-416-1630 if this happens.

What can I do if there's been a violation?

You may appeal to the Attorney General by sending a copy of your request and the denial statement to that office. The Attorney General has 20 days to issue an opinion, and you have 30 days to appeal that opinion to Circuit Court in the county where the agency or record you seek is located. You can skip the Attorney General process and file a suit directly in Circuit Court.

OPEN MEETINGS LAW

(KRS 61.805 TO 61.850)

What agencies must have open meetings?

Almost every state and local governing body, including committees created by public agencies. The default is that meetings of government agencies must be open.

Meetings may be conducted by video teleconferences if certain advance notice requirements are met. An agency may not go into closed session using video teleconference equipment, however.

What must the agency do to have a closed session?

During an open session, the agency must disclose the general nature of the business to be discussed in secret and the law permitting this secrecy. A motion and a vote to go into closed session is required. With limited exception, no final action can be taken in private and the agency cannot discuss any matters in closed session except for those topics specifically allowed for by the Open Meetings Act.

Regular and Special Meetings

An agency must make a schedule of regular meetings available to the public. Notice of a special meeting must be made in writing and include the time, place, and agenda for the meeting. Only items on the agenda may be acted upon at a special meeting. The agency must give 24-hour advanced notice of the special meeting to every agency member and to every member of the press that has requested such notification.