

# Open Records Policy

## Nelson County Clerk

Open Records Requests will be processed according to the following policy:

1. A request should be submitted in writing, and will need to include the following elements:
  - The name, address, and signature of the person submitting the request.
  - A description of the records to be copied or inspected.
  - A phone number and/or email address is not required, but may be helpful in processing your request.
2. The request should be sent to the Nelson County Clerk – 113 E. Stephen Foster Ave, Bardstown, KY, 40004 during regular office hours (Monday through Wednesday & Fridays, 8:00 a.m. to 4:00 p.m., Thursdays, 8:00 a.m. to 5:30 p.m., & the 2<sup>nd</sup> Saturday of the month, 8:00 a.m. to 11:30 a.m.). The request may be hand-delivered, mailed or sent via fax to (502) 348-1863. Emailed requests for records should be sent to [nelsoncountyclerk@ky.gov](mailto:nelsoncountyclerk@ky.gov).
3. A determination will be made within five (5) working days from the date an application is received (excepting Saturdays, Sundays, and legal holidays) regarding approval of the request, and the requestor will be notified in writing of the decision within the five (5) day period.
4. Applicants requesting copies of public records for a commercial purpose (KRS 61.874) must provide a certified statement to the Nelson County Clerk stating the commercial purpose for which the records will be used. If approved, applicants will be required to enter into a contract with the Nelson County Clerk. The contract will state the fee required by the Nelson County Clerk to produce the copies, including labor and production costs.
5. Certain items may be excluded in whole or in part if they contain exempted information as prescribed under KRS 61.878.
6. The Nelson County Clerk's office is funded by collecting statutory fees. Accordingly, copies of records are first subjected to the fee schedules established by KRS 64.012 and KRS 64.019. Otherwise, copies will be charged at:
  - Non-commercial document requests \$ .50 per copy.
7. All fees, including postage if necessary, must be paid in advance.

**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:

Mailing Address:

E-mail Address (if applicable):

Records to be inspected:

**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:  Date:

Pursuant to KRS 61.876(4), the Office of Attorney General has promulgated by administrative regulation this form. See 40 KAR 1:040.