



City of Henderson, Kentucky
 P.O. Box 716
 Henderson, KY 42419-0716
 Telephone 270-831-1200
 Email: legal@cityofhendersonky.org

PUBLIC RECORDS INSPECTION APPLICATION
(KRS 61.870-61.884)

1) Pursuant to the Kentucky Open Records Act, I request to inspect the following public records (be specific and specify format of records to be provided): _____

2) Is the information requested to be used for commercial purpose? YES NO

Commercial purpose is the direct or indirect use of any part of a public record, 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.
If requested for commercial use, a certified statement indicating the commercial purpose for which the records will be used must be included with the request. Certification form attached.

Request for copies: YES, I agree in advance to pay for copies of the above requested records as detailed in the Policy Fee Schedule.

Request for inspection ONLY OR electronic report that does not require making paper copies as detailed in the Policy Fee Schedule.

Company Name: _____
If applicable

Name: _____

Telephone No.: _____ **Email:** _____

Fax No.: _____

Mailing Address: _____
Provide address only if requesting records be mailed)

 Signature **Date:** _____

For Office Use Only:	
Date Received: _____	By: _____ Latest date to respond: _____ Date Responded: _____
Date/Time Reviewed or Mailed _____	Reviewed By: _____
Fees Charged:	
Photocopies _____	
Media _____	
Postage _____	
Photos/Other _____	
Staff* _____	
Total _____	

*Only for commercial requests or Attorney Requested Body Camera

OPEN RECORDS POLICY
City of Henderson

In order to comply with the Open Records Act contained in Chapter 61 of the Kentucky Revised Statutes, the following rules and regulations shall be followed by the City of Henderson:

- A. All requests for inspection of public records of the City of Henderson may be submitted to the City Clerk's office, 222 First Street, P. O. Box 716, Henderson, KY 42419-0716, legal@cityofhendersonky.org; or to the following persons, who are the custodian of records of their department:

Finance Department
Director
222 First Street
P. O. Box 716
Henderson, KY 42419-0716

Human Resources Dept.
Director
222 First Street
P. O. Box 673
Henderson, KY 42419-0673

City Attorney
222 First Street
P. O. Box 716
Henderson, KY 42419-0716

Police Department
Administrative Major
1990 Barret Court
Henderson, KY 42420

Requests may be sent by mail, submitted in person, or electronically. The request must be in writing and include the following information:

1. Name, telephone number, and signature of the individual requesting to inspect the records.
 2. Mailing address, if requesting the records be mailed, or email address if requesting electronically.
 3. The specific record(s) the requestor wishes to inspect or to receive a copy of.
 4. Whether the records are requested for commercial or noncommercial use. **If requested for commercial use, a certified statement stating the commercial purpose for which the records will be used.**
- B. The City of Henderson is committed to providing the most efficient and "green" option for Open Records copies. Whenever possible we will offer electronic copies (PDF format) as an option for records copy transmission **at no charge** to recipient requestor (unless there are recoverable costs as set out in the paragraph below). Records shall be made available for review and/or copies within the three-day required response period unless a different timeframe is specified in the response due to the increased time it may take to recover documents from Archives, computer record search, the involvement of multiple departments, volume of responsive records, records are in current use, or other designated reason for a response time of greater than three days.

This policy provides guidance in applying standard charges and formats for Open Record copies consistent with Kentucky Open Records law and subsequent Attorney Generals Opinions. The City is entitled to recover actual costs (not staff time) related to providing copies of records. Those recoverable costs may include costs to copy materials prior to provision in another format with cost recovery of \$0.10/page. For example, if a record copy is made in order to redact certain information prior to providing the copy (even if that copy is ultimately provided in an electronic format), since the City incurred a copy cost in order to provide the record, the requestor will be required to pay for that copy cost prior to receiving final copies.

In addition, if electronic copies requested impose an unreasonable burden on the City email and/or storage capacity, the City may inform the requestor and download copies to CDs or other format and charge accordingly. If requestor supplies medium (CD, audio tape, etc.), there will be no charge for copies transferred thereto (unless the hard copy charge described above is applicable).

Copies requested and sent via fax will not carry any charge unless deemed voluminous by the City at which time the City will suggest to the requestor that another method be employed. Again, the hard copy charge may apply for recoverable costs.

All departments, other than those that are set by state statute i.e. Police Reports, will apply the following charges regardless of status of requestor, i.e., media, legal representative, member of the public, corporation or non-profit organization. However, the City 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.

This policy will not apply to subpoena or court-ordered responses which are not covered under Kentucky Open Records law. Responses in those instances will provide copies at no charge.

These charges may or may not apply to other City of Henderson departmental responses for records or other copies provided in the normal course of business unrelated to an open records request. In special cases where items are not listed and the City incurs actual costs related to making copies, that cost will be estimated and passed along to the requestor.

No charge may be levied for staff time required to reproduce Open Record copies **unless** for a Commercial Use Request **OR** Attorney Requested Body Camera footage. Please see the Fee Schedule for detailed copying and postage charges

- C. 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 City of Henderson will not make those exempted records available for public inspection.



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For Commercial Purpose Use Only

Commercial purpose is the direct or indirect use of any part of a public record, 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.

**CERTIFICATION OF COMMERCIAL PURPOSE
 ADDENDUM TO
 PUBLIC RECORDS INSPECTION APPLICATION**

Please state the commercial purpose(s) for which the record(s) will be used:

Carefully read the following and sign the verification:

Kentucky Revised Statute 61.874 (5) states, it shall be unlawful for a person to obtain a copy of any part of a public record for a:

- (a) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to subsection (4)(b) of this section; or
- (b) Commercial purpose, if the person uses or knowingly allows the use of the public record for a different commercial purpose; or
- (c) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.

According to Kentucky Revised Statute 61.8745, a person who violates subsections (2) to (6) of KRS 61.874 shall be liable to the public agency from which the public records were obtained for damages in the amount of:

- (a) Three (3) times the amount that would have been charged for the public record if the actual commercial purpose for which it was obtained or used had been stated;
- (b) Costs and reasonable attorney's fees; and
- (c) Any other penalty established by law.

VERIFICATION

I, _____, state that I have read the forgoing Certification of Commercial Purpose-Addendum to Public Records Inspection Application and that the statements therein are true and correct as I verily believe. I understand that falsification of this information is subject to penalties set out hereinabove. I also understand that if I am requesting copies for a commercial purpose or an attorney requesting body camera footage, I may be required to enter into a contract with the City of Henderson in order to obtain this information and to pay a fee for the cost of the copies as well as the cost of staff required to produce a copy of the record(s) and cost to the City of the creation, purchase or other acquisition of the public record(s).

State of _____ Signature of Applicant: _____
 County of _____ Title: _____

SUBSCRIBED AND SWORN to before me by _____ on this _____ day of _____, 20_____.

(Seal, if any)

 Notary Signature
 ID Number (if required) _____
 My Commission expires: _____



**City of Henderson, Kentucky
Open Records
Fee Schedule**

These charges may or may not apply to other City of Henderson departmental responses for records or other copies provided in the normal course of business unrelated to an open records request. In special cases where items are not listed and the City incurs actual costs related to making copies, that cost will be estimated and passed along to the requestor.

No charge may be levied for staff time related to making Open Record copies **unless** for a Commercial Use Request **OR** Attorney Requested Police Body Camera footage.

Copy Charge Schedule

Non-commercial request:

Paper copy 8.5x11, 8.5x14, 11x17	first 25 pages – no charge		
Black & White			
Paper copy 8.5 x 11	\$0.10/per page		
Paper copy 8.5 x 14	\$0.15/per page		
Paper copy 11 x 17	\$0.25/per page		
Color			
Paper copy 8.5 x 11	\$0.25/per page		
Paper copy 8.5 x 14	\$0.30/per page		
Paper copy 11 x 17	\$0.35/per page		
Photographs			
B & W (up to 8 x 10)	\$0.10/each		
Color (up to 8 x 10)	\$0.25/each		
CD/disk/Audio tape	\$ 2.00 each		
Flash Drive 16 GB	\$ 8.00 each	Flash Drive 32 GB	\$12.00 each
Larger Flash Drives will be charged at the rate at time of purchase			

Commercial use request (including Attorney Request for Body Camera footage):

Paper Copy Charges Above **PLUS** \$15 per hour (Staff time to be billed in quarter hour increments)

Postage & Mailing Charge Schedule

When practical to obtain actual cost of mailing, that charge will be assessed. If a proxy for an actual charge is needed to expedite processing and allow advance payment, the following may be charged:

No charge for postage less than \$1.00. (Standard business envelope)

Large envelope (no more than 12 x 15) (USPS Rates)

Weight Not Over		
1 ounce	\$1.00	(approximately 2 pages)
2 ounces	\$1.21	(approximately 3 to 8 pages)
3 ounces	\$1.42	(approximately 9 to 14 pages)
4 ounces	\$1.63	(approximately 15 to 20 pages)
5 ounces	\$1.84	(approximately 21 to 26pages)
6 ounces	\$2.05	(approximately 27 to 32 pages)
7 ounces	\$2.26	(approximately 33 to 38 pages)
8 ounces	\$2.26	(approximately 39 to 44 pages)
9 ounces	\$2.68	(approximately 45 to 50 pages)
10 ounces	\$2.89	(approximately 51 to 56 pages)
11 ounces	\$3.10	(approximately 57 to 63 pages)
12 ounces	\$3.31	(approximately 64 to 69 pages)
13 ounces	\$3.52	(approximately 70 to 75 pages)
Above 13 ounces is charged package rate by zone and will be determined at the time of the response		



City of Henderson, Kentucky
Open Records
Fee Schedule
Continued

Packages:

Weight not over 5 ounces	\$3.50
Weight not over 9 ounces	\$3.75
Weight not over 10 ounces	\$4.10
Weight not over 11 ounces	\$4.45
Weight not over 12 ounces	\$4.80
Weight not over 13 ounces	\$5.50

Above 13 ounces is charged package rate by zone and will be determined at the time of the response

CD/Audio Tape Mailing & Postage Charge Schedule

CD/Audio tape postage	\$1.21 postage single CD
	\$1.42 postage 2 to 3 CDs
PLUS	
CD/Audio tape mailer	\$1.50 per mailer