



COMMONWEALTH OF KENTUCKY  
**EXECUTIVE BRANCH ETHICS COMMISSION**

JUDGE ROGER L. CRITTENDEN (RET.)  
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SEN. DAVID K. KAREM (RET.)  
VICE CHAIR

CRIT LUALLEN  
JUSTICE DANIEL J. VENTERS (RET.)  
DAVID S. SAMFORD

CAPITAL COMPLEX EAST  
1025 CAPITAL CENTER DRIVE, SUITE #104  
FRANKFORT, KY 40601  
(502) 564-7954  
FAX: (502)-695-5939  
[HTTPS://ETHICS.KY.GOV/](https://ethics.ky.gov/)

SUSAN STOKLEY CLARY  
EXECUTIVE DIRECTOR

STEVEN T. PULLIAM  
GENERAL COUNSEL

SUCHETA MEENA MOHANTY  
DEPUTY GENERAL COUNSEL

## **OPEN RECORDS POLICY**

Effective January 18, 2023

### **PURPOSE**

Public policy requires the “free and open examination of public records.” KRS 61.871. Accordingly, the Executive Branch Ethics Commission (EBEC) must respond effectively and efficiently to records requests in a consistent and coordinated manner. Therefore, this Open Records Policy (Policy) sets forth the standards for all Commission employees when a records request is received and ensures compliance with all applicable open records laws.

### **POLICY**

#### **Records Custodian**

The Commission shall designate an employee as its Records Custodian. The Records Custodian shall review the Kentucky Open Records Act, 200 KAR 1:020, and “Your Duty Under the Law-The Kentucky Open Records Act and Open Meetings Act,” published by the Office of the Attorney General. The Records Custodian shall ensure compliance with the Kentucky Open Records Act, 200 KAR 1:020, this policy, and all relevant requests.

The Commission designates the following Records Custodian:

Susan Stokley Clary  
1025 Capital Center Drive, Suite 104  
Frankfort, KY. 40601  
502-892-3400

### Tracking Records Requests

Employees shall date-stamp any request to inspect or otherwise receive records upon receipt and deliver the request immediately to the Records Custodian for review. If an employee is uncertain whether a request qualifies as an Open Records Request or does not specifically invoke the Open Records Act but appears to request records, the employee shall immediately refer the request to the Records Custodian for a preliminary determination. To organize and track records requests, Open Records Requests shall be recorded on the ORR tracking spreadsheet on the date of their receipt. A specific identification number shall be assigned to each request.

### Responding to Records Requests

All requests for copies or review of public records of the Commission must be in writing. Requests should preferably be sent electronically to [ethicsfiler@ky.gov](mailto:ethicsfiler@ky.gov), or they may be mailed to the Commission office or hand-delivered to 1025 Capital Center Drive, Suite 104, Frankfort, Ky. Requests should include the Open Records Request form, found on our website, <https://ethics.ky.gov/SiteAssets/Pages/Open-Records-Requests/2021%20EBEC%20Open%20Records%20Request%20Form.pdf>.

The Records Custodian, or designee, shall provide a response to a records request within 5 business days of the date the request is received. Notice promptly shall be sent to the requesting party if additional time is needed under KRS Chapter 61. When a response is delayed, the notice shall specifically indicate that additional time is required to process the request and explain circumstances justifying additional processing time.

The Records Custodian shall determine whether the Requestor has reasonably described records within the possession of the Commission. If no such records are identified, the request may be denied on those grounds. However, if it is reasonably believed that another agency is in possession of the records described in the request, the Records Custodian shall refer the Requestor to the appropriate records custodian, providing both their name and contact information. If it is determined that the records are in the Commission's possession, the Records Custodian, or designee, shall gather them for processing. Records that are responsive shall be segregated from nonresponsive records (i.e., records that were not requested). The Records Custodian shall then examine responsive records to determine which records, if any, are exempt from disclosure and make appropriate redactions.

If the Records Custodian determines that the records request should be denied in whole or in part, the Records Custodian shall notify the Requestor with an explanation for the decision to withhold any responsive records, citing the specific exemption in the statute as the basis for the withholding.

If the request places an unreasonable burden for producing public records, or if the Records Custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Commission, the Records Custodian may refuse to produce the records.

### Record Production and Fees

When responsive records are to be transmitted electronically to the Requestor, there is no charge to the Requestor. However, if the responsive material is more than 8 megabytes (MB), the documents will automatically be produced on a flash drive and mailed to the Requestor. Prior to mailing, the Requestor will be provided with an invoice for the production and postage. The flash drive will be mailed upon receipt of the payment.

If responsive records are requested to be mailed to the Requestor, an invoice shall first be provided for the production and postage. Printing costs are \$0.10 per page. Copies of photographs, maps, and other such records shall be furnished to any person requesting them on payment of a fee equal to the Commission's actual cost to produce the copies. Estimated costs shall be communicated to the Requestor before costs are incurred. After the invoice is paid, the responsive records shall be produced for the Requestor.

If the Requestor wishes to personally inspect responsive records at the Commission's office, the Records Custodian shall facilitate scheduling a convenient time for inspection. The Records Custodian or an employee of the Office shall be present and personally monitor the inspection.