



City of Eddyville
P.O. Box 744
Eddyville, KY 42038
Telephone (270) 388-2226
Email: eddyville@vci.net

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: I would like to receive the requested records by [] Email [] Mail [] Pick them up
Note: CD's, videos, and some other large files cannot be emailed.

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.

Requests 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.

This request is (choose one):

[] NOT for a commercial purpose; or

[] FOR a commercial purpose. (Please complete page 3 of this request.)

Company Name: _____ Telephone No: _____

Mailing Address: _____

(Provide address only if requesting records be mailed.)

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: _____

OPEN RECORDS POLICY City of Eddyville

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 Eddyville:

- A. All requests for inspection of public records of the City of Eddyville may be submitted on the proper application form to the following:

City of Eddyville
Attn: City Clerk's Office, Records Custodian
153 West Main Street
PO Box 744
Eddyville, KY 42038
Email: eddyville@vci.net
Phone: (270) 388-2226

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 Eddyville 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 five-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 five 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 Eddyville 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 Eddyville 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 records 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 violated subsection (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 has 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 Eddyville 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 Eddyville for the creation, purchase or other acquisition of the public record(s).

State of _____)
 County of _____)

Signature of Applicant: _____
 Title: _____

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

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



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OPEN RECORDS FEE SCHEDULE

Copy Charge Schedule

Black and white:	
Paper Copy 8.5 x 11	\$0.10/per page
Paper Copy 8.5 x 14	\$0.15/per page
CD/disk/audio tape	\$10.00 each
Flash Drive 16GB	\$ 8.00 each
Flash Drive 32 GB	\$12.00 each
Collision report	\$ 5.00

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 and Mailing Charge Schedule

Postage will be actual cost of mailing at current postage rates.

Note: 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.