

1 AN ACT relating to public records.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 61.870 is amended to read as follows:

4 As used in KRS 61.870 to 61.884, unless the context requires otherwise:

- 5 (1) "Public agency" means:
- 6 (a) Every state or local government officer;
 - 7 (b) Every state or local government department, division, bureau, board,
8 commission, and authority;
 - 9 (c) Every state or local legislative board, commission, committee, and officer;
 - 10 (d) Every county and city governing body, council, school district board, special
11 district board, and municipal corporation;
 - 12 (e) Every state or local court or judicial agency;
 - 13 (f) Every state or local government agency, including the policy-making board of
14 an institution of education, created by or pursuant to state or local statute,
15 executive order, ordinance, resolution, or other legislative act;
 - 16 (g) Any body created by state or local authority in any branch of government;
 - 17 (h) Any body which, within any fiscal year, derives at least twenty-five percent
18 (25%) of its funds expended by it in the Commonwealth of Kentucky from
19 state or local authority funds. However, any funds derived from a state or local
20 authority in compensation for goods or services that are provided by a contract
21 obtained through a public competitive procurement process shall not be
22 included in the determination of whether a body is a public agency under this
23 subsection;
 - 24 (i) Any entity where the majority of its governing body is appointed by a public
25 agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (j), or (k) of
26 this subsection; by a member or employee of such a public agency; or by any
27 combination thereof;

- 1 (j) Any board, commission, committee, subcommittee, ad hoc committee,
2 advisory committee, council, or agency, except for a committee of a hospital
3 medical staff, established, created, and controlled by a public agency as
4 defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (k) of this
5 subsection; and
- 6 (k) Any interagency body of two (2) or more public agencies where each public
7 agency is defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (j) of
8 this subsection;
- 9 (2) "Public record" means all books, papers, maps, photographs, cards, tapes, discs,
10 diskettes, recordings, software, or other documentation regardless of physical form
11 or characteristics, which are prepared, owned, used, in the possession of or retained
12 by a public agency. "Public record" shall not include any records owned or
13 maintained by or for a body referred to in subsection (1)(h) of this section that are
14 not related to functions, activities, programs, or operations funded by state or local
15 authority;
- 16 (3) (a) "Software" means the program code which makes a computer system
17 function, but does not include that portion of the program code which contains
18 public records exempted from inspection as provided by KRS 61.878 or
19 specific addresses of files, passwords, access codes, user identifications, or
20 any other mechanism for controlling the security or restricting access to public
21 records in the public agency's computer system.
- 22 (b) "Software" consists of the operating system, application programs,
23 procedures, routines, and subroutines such as translators and utility programs,
24 but does not include that material which is prohibited from disclosure or
25 copying by a license agreement between a public agency and an outside entity
26 which supplied the material to the agency;
- 27 (4) (a) "Commercial purpose" means the direct or indirect use of any part of a public

1 record or records, in any form, for sale, resale, solicitation, rent, or lease of a
2 service, or any use by which the user expects a profit either through
3 commission, salary, or fee.

4 (b) "Commercial purpose" shall not include:

- 5 1. Publication or related use of a public record by a newspaper or
6 periodical;
- 7 2. Use of a public record by a radio or television station in its news or other
8 informational programs; or
- 9 3. Use of a public record in the preparation for prosecution or defense of
10 litigation, or claims settlement by the parties to such action, or the
11 attorneys representing the parties;

12 (5) "Official custodian" means the chief administrative officer or any other officer or
13 employee of a public agency who is responsible for the maintenance, care and
14 keeping of public records, regardless of whether such records are in his actual
15 personal custody and control;

16 (6) "Custodian" means the official custodian or any authorized person having personal
17 custody and control of public records;

18 (7) "Media" means the physical material in or on which records may be stored or
19 represented, and which may include, but is not limited to paper, microform, disks,
20 diskettes, optical disks, magnetic tapes, and cards;

21 (8) "Mechanical processing" means any operation or other procedure which is
22 transacted on a machine, and which may include, but is not limited to a copier,
23 computer, recorder or tape processor, or other automated device;~~and~~

24 (9) "Booking photograph and photographic record of inmate" means a photograph or
25 image of an individual generated by law enforcement for identification purposes
26 when the individual is booked into a detention facility as defined in KRS 520.010 or
27 photograph and image of an inmate taken pursuant to KRS 196.099; **and**

1 **(10) "Resident of the Commonwealth" means:**

2 **(a) An individual residing in the Commonwealth;**

3 **(b) A domestic business entity with a location in the Commonwealth;**

4 **(c) A foreign business entity registered with the Secretary of State;**

5 **(d) An individual that is employed and works at a location or locations within**
 6 **the Commonwealth;**

7 **(e) An individual or business entity that owns real property within the**
 8 **Commonwealth;**

9 **(f) Any individual or business entity that has been authorized to act on behalf**
 10 **of an individual or business entity defined in paragraphs (a) to (e) of this**
 11 **subsection; or**

12 **(g) A news-gathering organization as defined in KRS 189.635(8)(b)1.a. to e..**

13 ➔Section 2. KRS 61.872 is amended to read as follows:

14 (1) All public records shall be open for inspection by any **resident of the**
 15 **Commonwealth**~~[person]~~, except as otherwise provided by KRS 61.870 to 61.884,
 16 and suitable facilities shall be made available by each public agency for the exercise
 17 of this right. No **resident of the Commonwealth**~~[person]~~ shall remove original
 18 copies of public records from the offices of any public agency without the written
 19 permission of the official custodian of the record.

20 (2) Any **resident of the Commonwealth**~~[person]~~ shall have the right to inspect public
 21 records. The official custodian may require **a written**~~[-~~

22 ~~(a) —Written]~~ application, signed by the applicant and with his name printed legibly on
 23 the application, describing the records to be inspected. **The official custodian may**
 24 **require the applicant to provide a statement in the written application of the**
 25 **manner in which the applicant is a resident of the Commonwealth under**
 26 **paragraphs (a) to (f) of subsection (10) of Section 1 of this Act.**

27 **(a) The written application shall be:**

- 1 1. Hand delivered;~~;~~
- 2 2. Mailed;~~;~~~~or~~
- 3 3. Sent via facsimile~~[to the public agency]~~; or
- 4 4. *Sent via e-mail to the public agency's official custodian of public*
 5 *records or his or her designee at the e-mail address designated in the*
 6 *public agency's rules and regulations adopted pursuant to Section 3 of*
 7 *this Act*

8 ~~(b) Facsimile transmission of the written application described in paragraph (a) of~~
 9 ~~this subsection; or~~

10 ~~(c) E mail of the application described in paragraph (a) of this subsection].~~

11 *(b) A public agency shall not require the use of any particular form for the*
 12 *submission of an open records request, but shall accept for any request the*
 13 *standardized form developed under subsection (4) of Section 3 of this Act.*

14 (3) A *resident of the Commonwealth*~~[person]~~ may inspect the public records:

15 (a) During the regular office hours of the public agency; or

16 (b) By receiving copies of the public records from the public agency through the
 17 mail. The public agency shall mail copies of the public records to a person
 18 whose residence or principal place of business is outside the county in which
 19 the public records are located after he precisely describes the public records
 20 which are readily available within the public agency. If the *resident of the*
 21 *Commonwealth*~~[person]~~ requesting the public records requests that copies of
 22 the records be mailed, the official custodian shall mail the copies upon receipt
 23 of all fees and the cost of mailing.

24 (4) If the person to whom the application is directed does not have custody or control of
 25 the public record requested, that person shall notify the applicant and shall furnish
 26 the name and location of the official custodian of the agency's public records.

27 (5) If the public record is in active use, in storage or not otherwise available, the official

1 custodian shall immediately notify the applicant and shall designate a place, time,
2 and date for inspection of the public records, not to exceed five (5)~~three (3)~~ days
3 from receipt of the application, unless a detailed explanation of the cause is given
4 for further delay and the place, time, and earliest date on which the public record
5 will be available for inspection.

6 (6) If the application places an unreasonable burden in producing public records or if
7 the custodian has reason to believe that repeated requests are intended to disrupt
8 other essential functions of the public agency, the official custodian may refuse to
9 permit inspection of the public records or mail copies thereof. However, refusal
10 under this section shall be sustained by clear and convincing evidence.

11 ➔Section 3. KRS 61.876 is amended to read as follows:

12 (1) Each public agency shall adopt rules and regulations in conformity with the
13 provisions of KRS 61.870 to 61.884 to provide full access to public records, to
14 protect public records from damage and disorganization, to prevent excessive
15 disruption of its essential functions, to provide assistance and information upon
16 request and to insure efficient and timely action in response to application for
17 inspection, and such rules and regulations shall include, but shall not be limited to:

- 18 (a) The principal office of the public agency and its regular office hours;
19 (b) The title, mailing address, and e-mail address of the official custodian of the
20 public agency's records;
21 (c) The fees, to the extent authorized by KRS 61.874 or other statute, charged for
22 copies;
23 (d) The procedures to be followed in requesting public records.

24 (2) Each public agency shall display ~~a copy of its rules and regulations pertaining to~~
25 ~~public records~~ in a prominent location accessible to the public, including on its

26 Web site:

27 (a) A copy of its rules and regulations pertaining to public records;

1 **(b) The mailing address, e-mail address, and phone number of the official**
 2 **custodian of the records or his or her designee to which all requests for**
 3 **public records shall be made; and**

4 **(c) The form developed by the Attorney General under subsection (4) of this**
 5 **section that may be used to request public records.**

6 (3) The Finance and Administration Cabinet may promulgate **administrative**
 7 **regulations pursuant to KRS Chapter 13A, pertaining to public records,** ~~[uniform~~
 8 ~~rules and regulations]~~ for all state administrative agencies, **except for the**
 9 **Legislative Research Commission and the Administrative Office of the Courts,**
 10 **each of which may promulgate administrative regulations for their respective**
 11 **agencies, pertaining to public records.**

12 **(4) The Attorney General shall promulgate by administrative regulation under KRS**
 13 **Chapter 13A a standardized form that may be used to request public records from**
 14 **a public agency. The form shall not allow any request for information other than**
 15 **the following:**

16 **(a) The name of the requesting party;**

17 **(b) The mailing or e-mail address of the requesting party, if copies of records**
 18 **are requested;**

19 **(c) Whether the request is for a commercial purpose;**

20 **(d) A description of the documents requested;**

21 **(e) A statement that the person making the request:**

22 **1. Is a resident of the Commonwealth under subsection (10) of Section 1**
 23 **of this Act; and**

24 **2. The statement includes the manner in which the requester is a**
 25 **resident of the Commonwealth under paragraphs (a) to (f) of**
 26 **subsection (10) of Section 1 of this Act; and**

27 **(f) The signature of the requesting party.**

1 (5) The Attorney General shall make the form readily available to the public,
 2 including on the Attorney General's Web site. The form shall be accepted by
 3 every public agency for any request for public records made on or after the
 4 effective date of this Act.

5 ➔Section 4. KRS 61.878 is amended to read as follows:

6 (1) The following public records are excluded from the application of KRS 61.870 to
 7 61.884 and shall be subject to inspection only upon order of a court of competent
 8 jurisdiction, except that no court shall authorize the inspection by any party of any
 9 materials pertaining to civil litigation beyond that which is provided by the Rules of
 10 Civil Procedure governing pretrial discovery:

11 (a) Public records containing information of a personal nature where the public
 12 disclosure thereof would constitute a clearly unwarranted invasion of personal
 13 privacy;

14 (b) Records confidentially disclosed to an agency and compiled and maintained
 15 for scientific research. This exemption shall not, however, apply to records the
 16 disclosure or publication of which is directed by another statute;

17 (c) 1. ~~{Upon and after July 15, 1992, }~~Records confidentially disclosed to an
 18 agency or required by an agency to be disclosed to it, generally
 19 recognized as confidential or proprietary, which if openly disclosed
 20 would permit an unfair commercial advantage to competitors of the
 21 entity that disclosed the records;

22 2. ~~{Upon and after July 15, 1992, }~~Records confidentially disclosed to an
 23 agency or required by an agency to be disclosed to it, generally
 24 recognized as confidential or proprietary, which are compiled and
 25 maintained:

26 a. In conjunction with an application for or the administration of a
 27 loan or grant;

- 1 b. In conjunction with an application for or the administration of
2 assessments, incentives, inducements, and tax credits as described
3 in KRS Chapter 154;
- 4 c. In conjunction with the regulation of commercial enterprise,
5 including mineral exploration records, unpatented, secret
6 commercially valuable plans, appliances, formulae, or processes,
7 which are used for the making, preparing, compounding, treating,
8 or processing of articles or materials which are trade commodities
9 obtained from a person; or
- 10 d. For the grant or review of a license to do business.
- 11 3. The exemptions provided for in subparagraphs 1. and 2. of this
12 paragraph shall not apply to records the disclosure or publication of
13 which is directed by another statute;
- 14 (d) Public records pertaining to a prospective location of a business or industry
15 where no previous public disclosure has been made of the business' or
16 industry's interest in locating in, relocating within or expanding within the
17 Commonwealth. This exemption shall not include those records pertaining to
18 application to agencies for permits or licenses necessary to do business or to
19 expand business operations within the state, except as provided in paragraph
20 (c) of this subsection;
- 21 (e) Public records which are developed by an agency in conjunction with the
22 regulation or supervision of financial institutions, including but not limited to,
23 banks, savings and loan associations, and credit unions, which disclose the
24 agency's internal examining or audit criteria and related analytical methods;
- 25 (f) The contents of real estate appraisals, engineering or feasibility estimates and
26 evaluations made by or for a public agency relative to acquisition of property,
27 until such time as all of the property has been acquired. The law of eminent

- 1 domain shall not be affected by this provision;
- 2 (g) Test questions, scoring keys, and other examination data used to administer a
3 licensing examination, examination for employment, or academic examination
4 before the exam is given or if it is to be given again;
- 5 (h) Records of law enforcement agencies or agencies involved in administrative
6 adjudication that were compiled in the process of detecting and investigating
7 statutory or regulatory violations if the disclosure of the information would
8 harm the agency by revealing the identity of informants not otherwise known
9 or by premature release of information to be used in a prospective law
10 enforcement action or administrative adjudication. Unless exempted by other
11 provisions of KRS 61.870 to 61.884, public records exempted under this
12 provision shall be open after enforcement action is completed or a decision is
13 made to take no action; however, records or information compiled and
14 maintained by county attorneys or Commonwealth's attorneys pertaining to
15 criminal investigations or criminal litigation shall be exempted from the
16 provisions of KRS 61.870 to 61.884 and shall remain exempted after
17 enforcement action, including litigation, is completed or a decision is made to
18 take no action. The exemptions provided by this subsection shall not be used
19 by the custodian of the records to delay or impede the exercise of rights
20 granted by KRS 61.870 to 61.884;
- 21 (i) Preliminary drafts, notes, correspondence with private individuals, other than
22 correspondence which is intended to give notice of final action of a public
23 agency;
- 24 (j) Preliminary recommendations, and preliminary memoranda in which opinions
25 are expressed or policies formulated or recommended;
- 26 (k) All public records or information the disclosure of which is prohibited by
27 federal law or regulation *or state law*;

- 1 (l) Public records or information the disclosure of which is prohibited or
2 restricted or otherwise made confidential by enactment of the General
3 Assembly, including any information acquired by the Department of Revenue
4 in tax administration that is prohibited from divulgence or disclosure under
5 KRS 131.190;
- 6 (m) 1. Public records the disclosure of which would have a reasonable
7 likelihood of threatening the public safety by exposing a vulnerability in
8 preventing, protecting against, mitigating, or responding to a terrorist act
9 and limited to:
- 10 a. Criticality lists resulting from consequence assessments;
- 11 b. Vulnerability assessments;
- 12 c. Antiterrorism protective measures and plans;
- 13 d. Counterterrorism measures and plans;
- 14 e. Security and response needs assessments;
- 15 f. Infrastructure records that expose a vulnerability referred to in this
16 subparagraph through the disclosure of the location, configuration,
17 or security of critical systems, including public utility critical
18 systems. These critical systems shall include but not be limited to
19 information technology, communication, electrical, fire
20 suppression, ventilation, water, wastewater, sewage, and gas
21 systems;
- 22 g. The following records when their disclosure will expose a
23 vulnerability referred to in this subparagraph: detailed drawings,
24 schematics, maps, or specifications of structural elements, floor
25 plans, and operating, utility, or security systems of any building or
26 facility owned, occupied, leased, or maintained by a public agency;
27 and

- 1 h. Records when their disclosure will expose a vulnerability referred
2 to in this subparagraph and that describe the exact physical
3 location of hazardous chemical, radiological, or biological
4 materials.
- 5 2. As used in this paragraph, "terrorist act" means a criminal act intended
6 to:
- 7 a. Intimidate or coerce a public agency or all or part of the civilian
8 population;
- 9 b. Disrupt a system identified in subparagraph 1.f. of this paragraph;
10 or
- 11 c. Cause massive destruction to a building or facility owned,
12 occupied, leased, or maintained by a public agency.
- 13 3. On the same day that a public agency denies a request to inspect a public
14 record for a reason identified in this paragraph, that public agency shall
15 forward a copy of the written denial of the request, referred to in KRS
16 61.880(1), to the executive director of the Kentucky Office of Homeland
17 Security and the Attorney General.
- 18 4. Nothing in this paragraph shall affect the obligations of a public agency
19 with respect to disclosure and availability of public records under state
20 environmental, health, and safety programs.
- 21 5. The exemption established in this paragraph shall not apply when a
22 member of the Kentucky General Assembly seeks to inspect a public
23 record identified in this paragraph under the Open Records Law;
- 24 (n) Public or private records, including books, papers, maps, photographs, cards,
25 tapes, discs, diskettes, recordings, software, or other documentation regardless
26 of physical form or characteristics, having historic, literary, artistic, or
27 commemorative value accepted by the archivist of a public university,

1 museum, or government depository from a donor or depositor other than a
2 public agency. This exemption shall apply to the extent that nondisclosure is
3 requested in writing by the donor or depositor of such records, but shall not
4 apply to records the disclosure or publication of which is mandated by another
5 statute or by federal law;

6 (o) Records of a procurement process under KRS Chapter 45A or 56. This
7 exemption shall not apply after:

- 8 1. A contract is awarded; or
- 9 2. The procurement process is canceled without award of a contract and
10 there is a determination that the contract will not be resolicited;~~and~~

11 (p) **Client and case files maintained by the Department of Public Advocacy or**
12 **any person or entity contracting with the Department of Public Advocacy**
13 **for the provision of legal representation under KRS Chapter 31; and**

14 (q) Communications of a purely personal nature unrelated to any governmental
15 function.

16 (2) No exemption in this section shall be construed to prohibit disclosure of statistical
17 information not descriptive of any readily identifiable person.

18 (3) No exemption in this section shall be construed to deny, abridge, or impede the
19 right of a public agency employee, including university employees, an applicant for
20 employment, or an eligible on a register to inspect and to copy any record including
21 preliminary and other supporting documentation that relates to him. The records
22 shall include, but not be limited to, work plans, job performance, demotions,
23 evaluations, promotions, compensation, classification, reallocation, transfers, lay-
24 offs, disciplinary actions, examination scores, and preliminary and other supporting
25 documentation. A public agency employee, including university employees,
26 applicant, or eligible shall not have the right to inspect or to copy any examination
27 or any documents relating to ongoing criminal or administrative investigations by

1 an agency.

2 (4) If any public record contains material which is not excepted under this section, the
3 public agency shall separate the excepted and make the nonexcepted material
4 available for examination.

5 (5) The provisions of this section shall in no way prohibit or limit the exchange of
6 public records or the sharing of information between public agencies when the
7 exchange is serving a legitimate governmental need or is necessary in the
8 performance of a legitimate government function.

9 ➔Section 5. KRS 61.880 is amended to read as follows:

10 (1) If a person enforces KRS 61.870 to 61.884 pursuant to this section, he shall begin
11 enforcement under this subsection before proceeding to enforcement under
12 subsection (2) of this section. Each public agency, upon any request for records
13 made under KRS 61.870 to 61.884, shall determine within five (5)~~three (3)~~ days,
14 excepting Saturdays, Sundays, and legal holidays, after the receipt of any such
15 request whether to comply with the request and shall notify in writing the person
16 making the request, within the five (5)~~three (3)~~ day period, of its decision. An
17 agency response denying, in whole or in part, inspection of any record shall include
18 a statement of the specific exception authorizing the withholding of the record and a
19 brief explanation of how the exception applies to the record withheld. The response
20 shall be issued by the official custodian or under his authority, and it shall constitute
21 final agency action.

22 (2) (a) If a complaining party wishes the Attorney General to review a public
23 agency's denial of a request to inspect a public record, the complaining party
24 shall forward to the Attorney General a copy of the written request and a copy
25 of the written response denying inspection. If the public agency refuses to
26 provide a written response, a complaining party shall provide a copy of the
27 written request. The Attorney General shall review the request and denial and

1 issue within twenty (20) days, excepting Saturdays, Sundays and legal
2 holidays, a written decision stating whether the agency violated provisions of
3 KRS 61.870 to 61.884.

4 (b) In unusual circumstances, the Attorney General may extend the twenty (20)
5 day time limit by sending written notice to the complaining party and a copy
6 to the denying agency, setting forth the reasons for the extension, and the day
7 on which a decision is expected to be issued, which shall not exceed an
8 additional thirty (30) work days, excepting Saturdays, Sundays, and legal
9 holidays. As used in this section, "unusual circumstances" means, but only to
10 the extent reasonably necessary to the proper resolution of an appeal:

- 11 1. The need to obtain additional documentation from the agency or a copy
12 of the records involved;
- 13 2. The need to conduct extensive research on issues of first impression; or
- 14 3. An unmanageable increase in the number of appeals received by the
15 Attorney General.

16 (c) On the day that the Attorney General renders his decision, he shall mail a copy
17 to the agency and a copy to the person who requested the record in question.
18 The burden of proof in sustaining the action shall rest with the agency, and the
19 Attorney General may request additional documentation from the agency for
20 substantiation. The Attorney General may also request a copy of the records
21 involved but they shall not be disclosed.

22 (3) Each agency shall notify the Attorney General of any actions filed against that
23 agency in Circuit Court regarding the enforcement of KRS 61.870 to 61.884. The
24 Attorney General shall not, however, be named as a party in any Circuit Court
25 actions regarding the enforcement of KRS 61.870 to 61.884, nor shall he have any
26 duty to defend his decision in Circuit Court or any subsequent proceedings.

27 (4) If a person feels the intent of KRS 61.870 to 61.884 is being subverted by an agency

1 short of denial of inspection, including but not limited to the imposition of
2 excessive fees, delay past the five (5) day period described in subsection (1) of this
3 section, excessive extensions of time, or the misdirection of the applicant, the
4 person may complain in writing to the Attorney General, and the complaint shall be
5 subject to the same adjudicatory process as if the record had been denied.

6 (5) (a) A party shall have thirty (30) days from the day that the Attorney General
7 renders his decision to appeal the decision. An appeal within the thirty (30)
8 day time limit shall be treated as if it were an action brought under KRS
9 61.882.

10 (b) If an appeal is not filed within the thirty (30) day time limit, the Attorney
11 General's decision shall have the force and effect of law and shall be
12 enforceable in the Circuit Court of the county where the public agency has its
13 principal place of business or the Circuit Court of the county where the public
14 record is maintained.

15 ➔Section 6. KRS 7.119 is amended to read as follows:

16 (1) Records in the custody of the Legislative Research Commission or the General
17 Assembly shall be available for distribution to the public, or open for inspection by
18 any person who is a resident of the Commonwealth.

19 (2) As used in subsection (1) of this section, "records" includes bills and amendments
20 introduced in the Senate or House of Representatives, Senate and House Journals,
21 Acts of the General Assembly, roll call votes, final reports of committees, Kentucky
22 Administrative Regulations, documents showing salary and expenses paid to
23 members of the General Assembly and all employees of the legislative branch,
24 contracts, receipts and work orders for repairs or renovations to legislative offices or
25 facilities, items cataloged in the legislative library, the Legislative Record, and
26 informational and educational materials offered by the public information office,
27 including legislative videotapes and photographs, calendars, and meeting notices.

1 (3) Requests for records~~[or other documents]~~ in the custody of the Legislative
2 Research Commission or the General Assembly set forth in subsection (2) of this
3 section shall be directed to the director of the Legislative Research Commission,
4 who shall determine within five (5) days, excepting Saturdays, Sundays, and legal
5 holidays, after the receipt of the request whether to comply with the request, and
6 shall, in writing notify the person making the request of his or her decision.
7 ~~[Except for KRS 61.880(3), provisions of the Open Records Act, KRS 61.870 to~~
8 ~~61.884, shall apply to a request for inspection or copies of documents or other items~~
9 ~~not set forth in subsection (2) of this section, and except that]~~A request for a review
10 ~~[under KRS 61.880]~~ of any determination by the director regarding a request for
11 records set forth in subsection (2) of this section shall be made to the Legislative
12 Research Commission, which shall issue its decision within thirty (30) days of the
13 first scheduled meeting held following receipt for review. If the Legislative
14 Research Commission does not issue its decision on a review of the director's
15 determination within thirty (30) days of the first scheduled meeting held following
16 receipt of the request for review, the review shall be considered denied~~[submission~~
17 ~~to it of the matter, the director's determination may be appealed to the Franklin~~
18 ~~Circuit Court within sixty (60) days of its issuance. For purposes of this subsection,~~
19 ~~any reference to the Attorney General in KRS 61.880 and 61.882 shall be read as~~
20 ~~the Legislative Research Commission].~~

21 (4) If a request for records in the custody of the Legislative Research Commission or
22 the General Assembly not described in subsection (2) of this section or in KRS
23 7.117 is made to the director of the Legislative Research Commission, those
24 records shall not be subject to disclosure. A request for review of the denial of the
25 disclosure shall be made to the Legislative Research Commission, which shall
26 issue its decision within thirty (30) days of the first scheduled meeting held
27 following receipt of the request for review. That decision shall be final and

1 unappealable.

2 (5) Once a request for records is made, and unless otherwise permitted by statute, if
3 the Legislative Research Commission determines that a denial of disclosure
4 related to that request was properly made, no member of the Commission, the
5 General Assembly, or the staff of the Legislative Research Commission shall
6 knowingly or intentionally disclose to any person the records that were the
7 subject of the denied request. Violation of this subsection is a violation under
8 KRS 6.734.

9 (6) (a) If a public agency other than the Legislative Research Commission receives
10 a request for inspection of a public record that may fall under subsection (2)
11 of this section, the official custodian of the records for the public agency
12 shall notify the director of the Legislative Research Commission within two
13 (2) days of receipt of the request. The official custodian of records for the
14 public agency that received the request shall be required to respond to the
15 request.

16 (b) If the Legislative Research Commission receives a request relating to a
17 specific member of the General Assembly, the director shall notify that
18 member within one (1) day of receipt of the request.

19 (7) Nothing in this section shall be construed as a waiver or diminishment of any
20 constitutional, common law, or statutory defenses, privileges, or immunities that
21 may apply to any member of the General Assembly, legislative staff, legislative
22 agency or entity, or any other member or employee of the legislative branch.