

OPEN RECORDS POLICY NORTHERN KENTUCKY PORT AUTHORITY

All requests to the Northern Kentucky Port Authority (“NKPA”) for open records under KRS 61.870 to 61.884 (the "Open Records Act") shall adhere to this Policy and the Open Records Act. This Policy is adopted pursuant to KRS 61.876.

Section 1: Definitions

NKPA: a Kentucky riverport authority created jointly by Boone, Campbell, and Kenton Counties that is organized and existing under the provisions of KRS 65.510 to 65.650.

Applicant: any person who requests to inspect any public record of NKPA.

Official Custodian: the person hereinafter designated, who by reason of such designation shall be responsible for the maintenance, care, and keeping of the public records of NKPA, regardless of whether such records are in their actual personal custody and control.

Principal Office: 209 Greenup Street, Suite 400, Covington, KY 41011.

Public Record: shall have the meaning as set forth under KRS 61.870(2).

Section 2: Official Custodian

All requests for public records shall be directed to the Official Custodian. The Official Custodian for NKPA is as follows:

Christine Russell, Executive Director
209 Greenup Street, Suite 400
Covington, KY 41011
Email: crussell@be-nky.com
Telephone: 888-874-3365

Section 3: Procedure to Request Public Records

The procedure to be followed to request public records of NKPA shall be as follows:

Any Applicant shall direct their request to inspect the public records of NKPA to the Official Custodian. Upon any such request, the Official Custodian may, at their discretion, require the Applicant to submit a Request to Inspect Written Records (Exhibit A) describing the public records of NKPA requested for inspection. The application shall include the Applicant's name printed and shall be signed by the Applicant. The application shall be hand-delivered, mailed, or emailed to the Official Custodian.

After the receipt of any such request, NKPA shall within five (5) days (excepting Saturdays, Sundays and legal holidays) determine whether to comply with the request and within said five (5) day period the Official Custodian shall notify the Applicant in writing of the determination. If NKPA shall determine that a public record of NKPA requested for inspection

shall be made available for inspection, and if that public record is in active use, in storage, or for some other reason shall not be made available for inspection within five (5) days from the receipt of the request to inspect, the Official Custodian shall in their notification to the Applicant state a detailed explanation of the cause for the delay and shall notify the Applicant of the place, time, and the date on which that public record will be made available for inspection.

Whenever NKPA shall determine that a requested public record is to be made available for inspection, that public record shall be made available to the Applicant for inspection and suitable facilities shall be made available by NKPA for the exercise of this right. Depending on the type of record and the nature of a request, the public records of NKPA may be made available to an Applicant by either of the following methods: 1) an Applicant may inspect the public records during the regular office hours of NKPA and shall take place in the facilities provided at the Principal Office of NKPA; or 2) by receiving copies of the public records from NKPA (whether through mail or email). NKPA may mail copies of the public records to an Applicant whose residence or principal place of business is outside the county in which the public records are located after the applicant precisely describes the public records which are readily available within NKPA. No person shall remove any original copy of any public record of NKPA from the offices of NKPA without the written permission of the Official Custodian.

Upon inspection, the Applicant shall have the right to obtain copies of all written public records for a reasonable fee (*see* Section 5, Fees). The Official Custodian shall, upon the request of the Applicant, make copies of any nonexempt public records of NKPA that the Applicant has requested, provided that the Applicant shall make this request in writing to the Official Custodian and shall pay the reasonable copy fee, including postage where appropriate, in advance. If an Applicant requests copies of public records of NKPA other than written records of NKPA, the Official Custodian shall permit the Applicant to duplicate such records, provided that such duplication shall, to the satisfaction of the Official Custodian, not damage or alter the public records of NKPA that shall be so duplicated.

If NKPA determines that any public record of NKPA is exempt from disclosure pursuant to KRS 61.878, in whole or in part, the Official Custodian shall within five (5) days (excepting Saturdays, Sundays and legal holidays) after the receipt of the request of inspection, notify the Applicant in writing of the determination of NKPA. The Official Custodian shall include in such notification a statement of the specific exception that authorized the withholding of the public record(s) requested for inspection and a brief explanation of how the exception applies to the public record(s) of NKPA that is to be withheld. The response shall be issued by the Official Custodian or under his or her authority, and it shall constitute final NKPA action.

Section 4: Office Hours of Principal Office

Records may be inspected at the Principal Office during regular business hours. The regular business hours of the Principal Office are 8:30 a.m to 5:00 p.m, EST. Monday through Friday, excluding holidays.

Section 5: Fees

NKPA sets the following rates of reimbursement of copying expenses under the Open Records Act for noncommercial purposes:

- Regular photocopies of documents or photographs.....\$0.10 per page
- Color photocopies of documents or photographs.....actual cost

Section 6: Display

This policy shall be displayed in a prominent location that is accessible to the public at each location of NKPA.

Section 7: Authorization

This Policy is hereby adopted via resolution by the Board of Directors of NKPA.

Exhibit A

Form OAG-01, June 2021

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.