

Administrative Policy & Procedure Manual

Henderson Municipal Power & Light

Subject	Number
Public Request for Records	GA-209

Effective Date	Revision	Page	of
October 1, 2010	1 – June 29, 2021	1	3

Public Office Location: 100 Fifth Street
Henderson, KY 42420
Regular Office Hours: 7:30am – 4:30pm

Official Custodian of Records Contact Information:

Title: Chief Financial Officer
Mailing Address: PO Box 8
Henderson, KY 42419
Email Address: openrecords@hmpl.net
Phone Number: 270-826-2726

- 1.0 POLICY STATEMENT:** In order to ensure the records of Henderson Municipal Power & Light (HMP&L) are appropriately safeguarded, it shall be the policy of HMP&L to adhere to the regulations established by the Kentucky Open Records Act (KRS 61.870 to KRS 61.884)
- 2.0 PROCEDURES:** The following guidelines shall serve in the administration of this policy:
- 2.1** This Policy shall be applicable to all requests for HMP&L records.
- 2.2** Public Record is defined in 61.870 as “all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency.”
- 2.3** Requests for records shall be in the form of a written application, and shall include:
- 2.3.1** A description of the records requested;
- 2.3.2** The printed name of the person making the request;
- 2.3.3** The signature of the person making the request;
- 2.3.4** A statement of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f); and
- 2.3.5** A statement asserting if the request is for a commercial purpose. If the request is for a commercial purpose, the commercial purpose must be stated.
- 2.4** The written application may be submitted by the following methods:
- 2.4.1** Hand delivered;

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- 2.4.2 Mailed;
- 2.4.3 Sent via facsimile; or
- 2.4.4 Sent via email to the public agency’s official custodian of public records at the email address listed in this policy.
- 2.5 The Attorney General has created a standardized form that may be used to request public records. It can be found using the following URL:
https://ag.ky.gov/Documents/2021_Standardized_Open_Records_Request_Form_V3.pdf
- 2.6 An Open Records Request will be routed to the appropriate Custodian of Records contingent upon the documentation being requested.
 - 2.6.1 The Custodian of Records is the HMP&L employee who is responsible for maintaining the documents being requested.
- 2.7 A response to an Open Records Request must be provided to the requester in writing, within five (5) days, excepting Saturdays, Sundays, and legal holidays.
 - 2.7.1 If additional time is needed to respond to the request, notification shall be sent to the requester and explain the circumstances justifying the additional processing time.
 - 2.7.2 The Official Custodian of Records shall determine whether the requester has reasonably described records within the possession of HMP&L. If no records are identified, the request may be denied on those grounds.
 - 2.7.2.1 Records that are responsive shall be segregated from non-responsive records and shall be redacted as necessary.
 - 2.7.3 If it is reasonably believed that another public agency is in possession of the records described in the request, the Official Custodian of Records shall refer the requester to the appropriate records custodian.
 - 2.7.4 If any part, or the entire request, is denied, the denial provided to the requester must list which Open Records Act is applicable and include a brief explanation of how the exception applies to the record withheld.
 - 2.7.5 If the request places an unreasonable burden for producing public records, or if the Official Custodian of Records has reason to believe that repeated requests are intended to disrupt other essential functions of the Agency, the Official Custodian of Records may refuse to produce the records upon conferring with legal counsel prior to denying the request.
- 2.8 Record Production and Fees:
 - 2.8.1 The public records may be inspected in person by the requester during regular office hours.

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2.8.1.1 The requester shall schedule a time with the Official Custodian of Records to inspect the public records during normal business hours at the address listed in this Policy.

2.8.2 The public records may be mailed to the requester.

2.8.2.1 Before the copies of the public documents are mailed, the requester shall be invoiced for the production and postage. Printing costs are \$0.10 per page, and additional fees shall be justified on any invoice. After payment is received, the documents shall be sent to the requester.

2.8.3 The public records may be sent to the requester electronically.

2.8.3.1 There shall not be any charges to send documents electronically. However, if the responsive material is too large to send through email, the documents will automatically be produced via compact disc ("CD") and mailed to the requester. Once payment is received for the CD and postage, the CD shall be mailed to the requester.

3.0 RESPONSIBILITY: Adherence to this Policy shall be achieved as follows:

3.1 Department Directors are responsible for enforcing this policy within their departments.

3.1.1 Adherence to this Policy shall be deemed a condition of employment;

3.1.2 Violation of this Policy will result in disciplinary action; and

3.1.3 Department Directors or Managers are responsible for reporting any violation of this Policy to the General Manager.

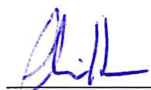
3.2 Appropriate Custodian of Records is responsible for reviewing requests for records and for releasing requested records per the tenets of this policy.

3.2.1 The Official Custodian of Records shall consult with the General Manager and / or HMP&L's attorney regarding any issues with requests for records.

3.2 The General Manager is responsible for ensuring overall adherence to this Policy and will ensure that corrective actions are undertaken to prevent recurrence of any adverse impact that may have occurred as of a result of violation of this policy or other policies related to HMP&L records.

3.2.1 The General Manager may approve release of HMP&L records without regard to the tenets of this Policy unless such release is prohibited by regulation or law.

APPROVED:



Chris Heimgartner
General Manager