

## **§ 34.01 DEFINITIONS.**

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

**CITY.** The city government of this city.

**COMMERCIAL PURPOSE.** 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. **COMMERCIAL PURPOSE** shall not include:

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

**CUSTODIAN.** The official custodian or any authorized person having personal custody and control of public records. The CUSTODIAN having personal custody of most of the public records of this city is the City Clerk/Treasurer.

**MECHANICAL PROCESSING.** Any operation or other procedure which is transacted on a machine, and which may include, but is not limited to a copier, computer, recorder or tape processor, or other automated device.

**MEDIA.** The physical material in or on which records may be stored or represented, and which may include, but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes, and cards.

**OFFICIAL CUSTODIAN.** The chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care, and keeping of public records, regardless of whether such records are in his actual personal custody and control. The **OFFICIAL CUSTODIAN** of this city shall be the Mayor.

**PERSON.** A human being who makes a request for inspection of public records.

**PRESCRIBED FEE or FEE.** The fair payment required by the city for making copies of public records and for mailing public records, which shall not exceed the actual cost thereof and shall not include the cost of required staff time.

**PUBLIC AGENCY.**

- (1) Every state or local government officer;

(2) Every state or local government department, division, bureau, board, commission, and authority;

(3) Every state or local legislative board, commission, committee, and officer;

(4) Every county and city governing body, council, school district board, special district board, and municipal corporation; .

(5) Every state or local court or judicial agency;

(6) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;

(7) Any body created by state or local authority in any branch of government;

(8) Any body which, within any fiscal year, derives at least 25 % of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds. However, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a public competitive procurement process shall not be included in the determination of whether a body is a **PUBLIC AGENCY** under this section;

(9) Any entity where the majority of its governing body is appointed by a **PUBLIC AGENCY** as defined in this section; by a member or employee of such a **PUBLIC AGENCY**; or by any combination thereof;

(10) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a **PUBLIC AGENCY** as defined in this section; and

(11) Any interagency body of two or more **PUBLIC AGENCIES** where each public agency is defined in this section.

**PUBLIC RECORDS.** 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 the public agency. **PUBLIC RECORDS** shall not include any records owned or maintained by or for the public agency that are not related to functions, activities, programs, or operations funded by the public agency nor any records that may be excluded by § 34.16.

**REQUEST.** An oral or written application by any person to inspect public records of the agency.

**SOFTWARE.** The program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system. SOFTWARE consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency.

(KRS 61.870)