

Student Government in the Sunshine Act of 2003

Purpose- The University of Kentucky Student Government is a public agency subject to open records procedures under the Kentucky Open Records Act. This statute is designed to help facilitate the receipt and processing of open requests.

104.1 – Definitions

- (a) “Public record” means 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. “Public record” shall not include any records owned or maintained by or for a body that are not related to functions, activities, programs, or operations funded by the Student Government;
- (b) “Official custodian” means the person charged with receiving and processing open records requests for a particular branch of Student Government.

104.2 – Official Custodian

- (a) The official custodian of the Executive branch is the Chief of Staff
- (b) The official custodian of the Legislative branch is the Senate Clerk
- (c) The official custodian of the Judiciary branch is the Chief Justice of the Supreme Court.

104.3 - General Provisions

- (a) All public records shall be open for inspection by any person, except as otherwise provided by:
 - (i) KRS 61.884; or
 - (ii) Any Kentucky or federal law stating otherwise.
- (b) Suitable facilities shall be made available for the exercise of this right. No person shall remove original copies of public records from the offices of part of the Student Government without the written permission of the official custodian of the record.
- (c) Any person shall have the right to inspect public records. The official custodian may require written application signed by the applicant and with his name printed legibly on the application, describing the records to be inspected. The application shall be hand delivered, mailed, or sent via facsimile to the Student Government office.
- (d) A person may inspect the public records:

- (i) During the regular office hours of the Student Government: or
 - (ii) By receiving copies of the public records from the Student Government through the mail.
 - (iii) If the person requesting the public records, requests that copies of the records be mailed, the official custodian shall mail the copies upon receipt of all fees and the cost of mailing.
- (e) If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the public records.
- (f) If the public record is in active use, in storage or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed three (3) days from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection.
- (g) If the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Student Government, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.

104.4 – Sunset Clause

- (a) According to Section V(a) of the Sunset Act of 2017, “All legislation presented to Full Senate [...] shall contain a “Sunset Clause,” in which an expiration date and renewal period are chosen.”
 - (i) The expiration date for the Sunshine Act is November 30.
 - (ii) The renewal period for the Sunshine Act is three (3) years.