

1.4 Relevance of Kentucky Open Records Act to Personnel Records:

The Kentucky Open Records Act (KRS 61.872 to 61.884) is a comprehensive scheme of legislation that is intended to ensure government is operated in an open and responsible manner by requiring that public records be open for inspection by any person. However, in developing this legislation the General Assembly acknowledged that certain types of records in particular situations should be exempt from this coverage. As a result, KRS 61.878 was enacted to specifically delineate the types of records that may not be accessed through the open records process.

A. Information Exempted from Disclosure

1. Regarding what types of information are protected by the aforementioned exemptions in the Open Records Act, the Office of the Attorney General and the courts have, at various times, ruled that the following records are not open to inspection:

- Home address;
- Telephone number;
- Social security number;
- Marital Status;
- Personnel evaluations (except in certain situations involving public officers who occupy leadership positions);
- Medical information;
- Letters of reference; and
- Pre-decisional documents that are not incorporated into a final agency action.

2. When relying on the privacy exemption it is important to understand that each case revolves on its particular facts. In each instance, the decision must also consider whether the public interest in disclosure of the information outweighs the privacy interest of the individual.

B. Information Subject to Disclosure

1. Regarding what types of records contained in personnel records are subject to disclosure pursuant to the Open Records Act, the Office of the Attorney General and the courts have, at various times, ruled the following information is open to inspection:

- Employee's name;
- Employee's work station;
- Employee's position;
- Employee's salary;
- Complaints made against an employee and not resulting in disciplinary action;
- Preliminary material incorporated into final agency decisions;
- Letters of resignation;
- Information contained in a resume pertaining to employee's work experience and qualifications;
- Information in an application not deemed exempt as a matter of privacy; and
- The terms of a settlement agreement to which a public agency is a party.