

Education and Labor Cabinet
Department for Libraries and Archives
Archives and Records Management Division
(Amendment)

725 KAR 1:050. Records management program.

RELATES TO: KRS Chapter 171

STATUTORY AUTHORITY: KRS 171.450(2), 171.520

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450(2) requires that the department shall enforce the provisions of KRS 171.410 to 171.740 by appropriate rule and administrative regulations. KRS 171.520 requires the department to prescribe the policies and principles to be followed by state and local agencies in the conduct of their records management programs; to ensure the maintenance and security of records deemed appropriate for preservation; to facilitate the segregation and disposal of records of temporary value and to promote the effective and economical use of space, equipment, and supplies needed for the purpose of creating, maintaining, and servicing records. KRS 171.520 authorizes the department to administer and grant any money appropriated to it for providing and improving records management programs of state and local agencies. This administrative regulation establishes uniform policies in the administration of grants to local governments for the improvement of records management programs.

Section 1. Eligibility of Applicants. Any local government office interested in improving the management and preservation of its public records may apply for a grant under the local records program by completing application forms available through the department. For the purposes of this program, a local government office shall conform to the definition of "public agency" as defined by KRS 171.410(4).

Section 2. Application Procedures. All applications shall be submitted on the Local Records Program Grant Application and include a detailed project description, plan of work, and budget request. Additional guidance is established in the Local Records Program Grant Guidelines. Entries on the application form and any required supporting documents shall be completed as fully as possible, with additional sheets attached if necessary. In signing the application and in accepting a grant award, applicants agree, in carrying out their projects, to abide by the criteria established in this administrative regulation.

Section 3. Categories for Funding. Any project to improve the management and preservation of local public records shall be considered. Categories for funding include, for example:

- (1) Security microfilming permanent, vital, and/or archival records. Security microfilms created with Local Records Program Grant (LRPG) funds must adhere to the standards and procedures defined in Microfilming and Digital Imaging of Public Records: A Procedural Guide. A certified micrographics laboratory or vendor must be used. A list of currently certified laboratories may be obtained from the department's website;
- (2) Creating digital counterparts and/or digital indexes of born-analog permanent, vital, and/or archival records. Digital images or indexes created with LRPG funds must adhere to standards and procedures described in Microfilming and Digital Imaging of Public Records: A Procedural Guide;
- (3) Records preservation, conservation, or restoration projects for at risk or affected permanent, vital, and/or archival records. These projects should adhere to current archival best practice and standards. These projects can include, but are not limited to, services to preserve at-risk records or mitigation of existing damage;

- (4) Purchasing supplies and equipment that promote preservation, conservation, or restoration of permanent, vital, and/or archival records, including but not limited to, archival quality boxes and folders, shelving, cabinets, and microfilm readers/scanners;
- (5) Establishing a local government records management program or archives. This may include salary for hiring new staff. These funds are not designed for ongoing support, and they cannot be used to replace salary funds already being expended by a local government. Salary support can only be used for compensation of wages up to forty (40) hours per week, and cannot be used for overtime, taxes, or any other fringe benefits;
- (6) Arranging and describing permanent, vital, and/or archival records, according to generally accepted professional standards of records management and archival theory and practice;
- (7) Codification of ordinances, orders, resolutions, motions, etc. for cities and counties. Codification projects will adhere to Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients (PM 2021-01); and
- (8) Limited records management for records with less than permanent retention(s) to assist in maintaining usability and accessibility for the entirety of the defined retention period(s). Records management tasks for these records may include purchase of storage, projects to provide for long-term storage, or access of records with multiple retentions. These projects should have clearly defined, specific, and time-limited parameters and be recognizable as part of established records management policies, procedures, and goals for the local agency. These funds shall not be used for ongoing records management support.

Section 4. Grant Award Periods. Grants shall be awarded throughout a state fiscal year on a quarterly schedule as set forth in Section 5 of this administrative regulation.

Section 5. Grant Application Review and Evaluation. All applications shall be reviewed by KDLA staff to ensure compliance with the application requirements set forth in this administrative regulation. All qualified applications shall be reviewed by an Advisory Group of the State Libraries, Archives, and Records Commission using the criteria set forth in this administrative regulation. Applications shall be submitted by March 15, June 15, September 15, and December 31. Ranked recommendations shall be presented to the State Libraries, Archives and Records Commission at the next regular meeting, or special meeting called to reschedule a regular meeting. The State Libraries, Archives and Records Commission shall make the final decision on grant awards using the criteria established in Section 6 of this administrative regulation.

Section 6. Grant Review Criteria. In reviewing applications and recommending the funding of specific projects, reviewers shall consider:

- (1) Category for funding fits within the scope of projects outlined in Section 3 of this administrative regulation.
- (2) Urgency of the problem, such as significance and age of the records. Precedence shall be given to local government applicants with critical records problems, those with older records, and those with chronologically complete groupings of records.
- (3) Value and equity in the distribution of grants. The program shall include various types and sizes of local governments, and provide geographic distribution of grants.
- (4) Alignment of the proposed methods with accepted professional standards of records management and archival theories and practices.
- (5) Adequate security and protection of records. Local governments should house records in fire-resistant facilities, or state how the proposed project will safeguard the records in question. (See KRS 171.710 regarding the safeguarding of public records.)
- (6) Compliance with all legal requirements regarding custody and public access. This shall include complying with the requirements of the state's Open Records Law (KRS

61.870-876) and providing access to the public in an area with proper security and supervision.

(7) Commitment by the local government to a comprehensive records management program. This shall include regular legal disposition of records in accordance with the records retention schedules covering the records of a local government agency, and may also include files control, segregation of inactive or noncurrent material from active files, selective microfilming (where appropriate), and training of records personnel in records management standards.

(8) Ninety (90) percent of the grant funds shall be awarded to county clerks unless insufficient qualified applications are received from county clerks.

(9) Proposed project was not previously funded by LRPG..]

Section 7. Appeals.

(1) An applicant who believes their application was wrongly denied by the State Libraries, Archives and Records Commission shall file an appeal with the commissioner of the department.

(2) Procedures.

(a) A formal letter of appeal shall be sent via email or postal mail to the commissioner of the department within five (5) working days of receipt of notice of rejection.

(b) The appeal shall include a brief description of why the applicant believes the decision of the State Libraries, Archives, and Records Commission is in error. The decision of the State Libraries, Archives, and Records Commission shall not be overturned unless there is clear and convincing evidence that the decision violated this administrative regulation. New information shall not be considered in the appeal.

(c) The commissioner of the department shall issue a decision within five (5) working days of receipt of the letter of appeal.

(d) An applicant who is dissatisfied with the commissioner's decision may appeal to Franklin Circuit Court.

Section 8. Local governments that are awarded grants shall enter into a grant contract with the department. The contract shall establish performance and reporting requirements. Failure to fulfill the requirements may result in the return of the grant funds to the department and may affect future funding considerations.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Local Records Program Grant Guidelines", June 2025.

(b) "Microfilming and Digital Imaging of Public Records: A Procedural Guide", June 2025;

(c) "Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients, PM 2021-11", November 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Monday through Friday, 9 a.m. to 4 p.m.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

JAMIE LINK, Secretary

APPROVED BY AGENCY: September 3, 2025

FILED WITH LRC: September 12, 2025 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, November 21, 2025, at 11:00 AM Eastern time, at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Drew Preston, Local Records Branch Manager, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, phone (502) 330-4986, andrewd.preston@ky.gov.