

**272A.5-040 Right of member to information.**

- (1) Not later than ten (10) business days after receipt of a demand made in a record, a limited cooperative association shall permit a member to obtain, inspect, and copy in the association's principal office required information listed in KRS 272A.1-120(1)(a) to (h) during regular business hours. A member need not have any particular purpose for seeking the information. The association is not required to provide the same information listed in KRS 272A.1-120(1)(b) to (h) to the same member more than once during a six (6) month period.
- (2) On demand made in a record received by the limited cooperative association, a member may obtain, inspect, and copy in the association's principal office required information listed in KRS 272A.1-120(1)(i), (j), (l), (m), (p), and (r) during regular business hours, if:
  - (a) The member seeks the information in good faith and for a proper purpose reasonably related to the member's interest;
  - (b) The demand includes a description with reasonable particularity of the information sought and the purpose for seeking the information;
  - (c) The information sought is directly connected to the member's purpose; and
  - (d) The demand is reasonable.
- (3) Not later than ten (10) business days after receipt of a demand pursuant to subsection (2) of this section, a limited cooperative association shall provide, in a record, the following information to the member that made the demand:
  - (a) If the association agrees to provide the demanded information:
    1. What information the association will provide in response to the demand; and
    2. A reasonable time and place at which the association will provide the information; or
  - (b) If the association declines to provide some or all of the demanded information, the association's reasons for declining.
- (4) A person dissociated as a member may obtain, inspect, and copy information available to a member under subsection (1) or (2) of this section by delivering a demand in a record to the limited cooperative association in the same manner and subject to the same conditions applicable to a member under subsection (2) of this section if:
  - (a) The information pertains to the period during which the person was a member in the association; and
  - (b) The person seeks the information in good faith.
- (5) A limited cooperative association shall respond to a demand made pursuant to subsection (4) of this section in the manner provided in subsection (3) of this section.
- (6) Not later than ten (10) business days after receipt by a limited cooperative association of a demand made by a member in a record, but not more often than once in a six (6) month period, the association shall deliver to the member a record

stating the information with respect to the member required by KRS 272A.1-120(1)(q).

- (7) A limited cooperative association may impose reasonable restrictions, including nondisclosure restrictions, on the use of information obtained under this section. Except as to limitations set forth in organic rules to which a member requesting inspection has assented, in a dispute concerning the reasonableness of a restriction under this subsection, the association has the burden of proving reasonableness.
- (8) A limited cooperative association may charge a person that makes a demand under this section the reasonable costs of copying, limited to the costs of labor and material.
- (9) A person that may obtain information under this section may obtain the information through an attorney or other agent. A restriction imposed on the person under subsection (7) of this section or by the organic rules applies to the attorney or other agent.
- (10) The rights stated in this section do not extend to a person as transferee.
- (11) The organic rules may require a limited cooperative association to provide more information than required by this section, and the organic rules may establish conditions and procedures for providing the information.

**Effective:** July 12, 2012

**History:** Created 2012 Ky. Acts ch. 160, sec. 33, effective July 12, 2012.

**Legislative Research Commission Note** (7/12/2012). The reference to "paragraph (q) of subsection (1)(a) of Section 12" in subsection (6) of 2012 Ky. Acts ch. 160, sec. 33, has been changed in codification to "KRS 272A.1-120(1)(q)." This manifest clerical or typographical error has been corrected by the Reviser of Statutes under the authority of KRS 7.136(1).