



COMMONWEALTH OF KENTUCKY  
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**21-ORD-025**

February 9, 2021

In re: Beth French/City of Cordon

*Summary:* The City of Cordon (the "City") did not violate the Open Records Act (the "Act") when it charged ten cents per page for copies of requested records.

*Open Records Decision*

On December 21, 2020, Beth French ("Appellant") requested to inspect records relating to the City's employees. In a timely written response, the City complied with the request and produced 956 pages of records for inspection. Charging ten cents per page, the City requested from the Appellant \$95.00 in copying fees. The Appellant claims that the City used more paper than required to copy the records. She therefore files this appeal.

Public agencies may charge "a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes which shall not exceed the actual cost of reproduction." KRS 61.874(3). Courts agree that ten cents per page is a reasonable fee. *Friend v. Rees*, 696 S.W.2d 325, 326 (Ky. App. 1985). Moreover, public agencies are not required "to tailor the format [of records] to meet the request of an individual[.]" KRS 61.874(3).

Here, the Appellant does not dispute the City's copying rate at ten cents per page. Rather, she claims that the City used too much paper to copy the records. For example, the Appellant requested, in part, all timesheets for the City's employees. The City copied each employee's daily timecard separately, resulting

in one piece of paper per daily timecard of each employee. The City, on the other hand, claims that it first invited the Appellant to inspect the records in person. The Appellant declined that invitation. Therefore, the City prepared copies of each record. The Act does not require the City to tailor the format of its records to reduce the amount of paper used in copying the records. The Appellant's request resulted in the City using 956 pieces of paper to copy the requested records. The City did not violate the Act when it charged the Appellant ten cents per page to produce the copies she requested.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings.

Daniel Cameron  
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/s/Marc Manley  
Marc Manley  
Assistant Attorney General

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Beth French  
Christopher C. Wischer