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In re: Lawrence Trageser/Louisville Metro Animal Services

Summary: Louisville Metro Animal Services (“the agency”) did not violate the Open Records Act (“the Act”) when it denied an imprecise request for records because it would place an unreasonable burden on the agency.

Open Records Decision

On January 12, 2023, Lawrence Trageser (“Appellant”) requested an electronic copy of “[t]he animal licensing documents for all pets, that have been licensed as required by state and Metro Louisville ordinance(s) through and under the jurisdictional control of the [agency]” since January 1, 2020, including “those licensing documents acquired through secondary private entity sales to include participating veterinarian businesses.” The Appellant further requested “any responsive record be returned via Excel.”¹ If the records were not available in the format requested by the Appellant, he stated he wished to inspect the records in person under KRS 61.872(3)(a).

In response, the agency stated it “does not have an existing report that contains this information” and denied the request “pursuant to KRS 61.872(6) due to the unreasonable burden and the disruption of the essential functions of the [agency] that would be caused by this request.” The agency further stated, “The only way to gather the information requested would be to individually print 90,000 license certificates. In addition, the owners [*sic*] name, address, phone number, email and microchip number would all be exempt pursuant to KRS 61.878(1)(a) due to privacy.”² Finally,

¹ Microsoft Excel is a software program capable of generating digital spreadsheets, tables, and databases.

² Private addresses and phone numbers may, in most circumstances, be categorically redacted for personal privacy reasons under KRS 61.878(1)(a). See *Ky. New Era, Inc. v. City of Hopkinsville*, 415

the agency provided a link to an online “open data” set containing “some of the information requested.” This appeal followed.

On appeal, the Appellant claims the agency misunderstood his request because he “sought animal licensing documents NOT [*sic*] reports for all pets.” He further claims his request encompassed “documentation that a rabies vaccination has been acquired.” However, the Appellant made no reference to vaccination certificates in his request. A person requesting copies of public records by mail must “precisely describe[] the public records which are readily available within the public agency.” KRS 61.872(3)(b). A reasonable interpretation of a request for “animal licensing documents” is that the requester seeks documents that license animals. Here, the agency issues licensing certificates, so a reasonable interpretation of the Appellant’s request is that he sought those licensing certificates, either by receiving a copy of them in a specific electronic format or by inspecting them in person.³ The agency did not violate the Act by not providing vaccine certifications when the Appellant did not identify these documents in his original request.

Regarding the basis of the agency’s denial, if a request for records “places an unreasonable burden in producing public records[,] 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.” KRS 61.872(6). The agency denied the Appellant’s request as unreasonably burdensome because it would have had to review and redact “more than 71,000 individual license certificates.” On appeal, the Appellant questions the agency’s claim that individualized licensing certificates are the only responsive records it possesses. He claims the agency possesses software or a database that stores specific information about registered pets, which allows its employees to easily search while performing their job duties. However, the Appellant did not ask to inspect the agency’s licensing database. He asked to inspect “[t]he animal licensing *documents* for all pets” (emphasis added). The mere fact that he requested such “documents” be returned to him in a particular format does not mean he precisely described the record he now claims to want to inspect—a database, which is a separate and distinct public record. *See, e.g.*, 21-ORD-241.

S.W.3d 76 (Ky. 2013). On appeal, the agency no longer appears to argue that pet owners’ names or microchip numbers are exempt from disclosure. Furthermore, it appears from the record on appeal that pet owners’ email addresses do not appear on license certificates. Accordingly, it is not necessary to determine whether these three categories of information may be redacted from license certificates under KRS 61.878(1)(a).

³ Other language in the Appellant’s request corroborates this meaning. Specifically, the Appellant included in his request “those licensing documents acquired through secondary private entity sales to include participating veterinarian businesses.” Under Louisville Metro Code of Ordinances (LMCO) § 91.020(D), a copy of which the Appellant provided, certain “hospitals or clinics of veterinary medicine located within Jefferson County” are “designate[d] as license facilities” and therefore can issue animal licenses.

Although the Appellant did not request to inspect a database, the agency explains that data for license certificates are entered in a software platform called Chameleon, which “is programmed to generate an *individual* certificate which can be exported as a PDF and printed for a pet owner” (emphasis in original). However, “[b]atch exportation of all electronic license certificates is not an available function of the software.” Furthermore, “if exporting each individual certificate and electronically redacting each address and phone number took only 20 seconds per certificate, providing 71,000 responsive records would require 394 hours” of employee labor. This Office agrees it would be an unreasonable burden for the agency to manually review and individually redact 71,000 responsive records when such a task would take an employee almost ten weeks of full-time dedicated work to process one request. Accordingly, it did not violate the Act by denying the Appellant’s request as originally framed because it would place an unreasonable burden on the agency.

Even if the Appellant’s request precisely described the records he sought as a database, the agency argues that providing such a record would pose an unreasonable burden because “all data fields . . . regarding pet licensing are stored in” the Chameleon software, which has only “pre-programmed” certain “types of reports that can be generated, like the licensing certificate.” In addition to the “pre-programmed” reports generated by the Chameleon software, the agency states the Louisville Metro Information Technology department has access to the raw data, which it has used previously to create 15 sortable data sets that “can be exported as comma-separated values.” Those data sets are publicly available on the Louisville Metro open data hub. However, none of those data sets include “owner name, address, phone, pet name, [or] microchip numbers,” which are fields contained in the license certificate. In other words, the agency maintains an electronic database containing the fields of information appearing in the animal licensing certificates, but the agency has not previously used that information to create a record that conforms to the parameters of the Appellant’s request.

Because the Appellant’s request does not fit “an existing query or report type,” the agency claims “a new computer query would have to be written in code, run, and then verified by [the agency] in order to collect a set of licensing data that differs in content” from the data sets that currently exist and are available on the open data hub. The agency has not explained on appeal how difficult such a task would be, or how much it would cost. Regardless, because the Appellant requested an electronic record tailored to include information only from January 1, 2020 to the date of the request, and because the agency has not previously created such a record limited by that date range, the agency has discretion under KRS 61.874(3) to refuse to create a record specifically tailored to the Appellant’s request. Accordingly, the agency did not violate the Act by denying the Appellant’s request to create a record tailored to his requested parameters.

In sum, the agency properly interpreted the Appellant's request as one seeking all pet licensing certificates, and because such a request resulted in 71,000 responsive records containing personal information that required redaction, the agency did not violate the Act by denying the request as unreasonably burdensome under KRS 61.872(6). Moreover, to the extent the Appellant's request could be interpreted as one seeking a database merely because he referenced a particular electronic format, the agency was not required to generate a custom made database tailored to the specifications of the Appellant's request.

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 within 30 days from the date of this decision. 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. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Daniel Cameron
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s/ Marc Manley
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Distribution:

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