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24-ORD-183

August 21, 2024

In re: Doug Dowson/Kentucky State Police

Summary: The Kentucky State Police (“KSP”) did not violate the Open Records Act (“the Act”) when it denied a request for unredacted data extracted from automobile collision reports.

Open Records Decision

Doug Dowson¹ (“Appellant”) submitted a request to KSP for “detailed crash data compiled from police accident reports.” The Appellant specified that “data should include [four] variables.”² The Appellant further specified that it was requesting “data for all of the crashes that occurred in the state of Kentucky between” January 1, 2014, and December 31, 2023. KSP denied the request because the requester is not an entity that it may contract with to “release unredacted vehicle damage data extracted from accident reports” under KRS 189.635(7)(b). KSP also denied the request because the Act “does not require a public agency to compile data or create a record to comply with a request.” This appeal followed.

Although KRS 61.870(2) generally defines “public records” subject to inspection under the Act, KRS 189.635 applies to a specific type of record— automobile collision reports. Further, KRS 189.635(9) provides the procedures governing a news organization’s access to collision reports. However, the Appellant did not request

¹ The Appellant is a data journalist for *The Economist*.

² The four “variables” the Appellant specified in his request were “[c]rash date and location,” “[n]umber of vehicles involved along with their vehicle identification numbers(VINs),” “[n]umber of individuals involved and whether they were drivers, passengers, pedestrians, cyclists, etc.,” and “[w]hether the crash led to injuries or fatalities.”

collision reports.³ Rather, he requested discreet data that exists within those accident reports.

Under KRS 189.635(7)(b), KSP “may, as a matter of public safety, contract with an outside entity and release unredacted vehicle damage data extracted from accident reports to the entity *if the data is used solely for the purpose of providing the public a means of determining a vehicle’s accident history*” (emphasis added). Here, the Appellant explains he “is working on a story on America’s love for big cars” and “the relationship between vehicle weight and safety.” The Appellant has not demonstrated he intends to use the data “solely for the purpose of providing the public a means of determining a vehicle’s accident history.” Thus, KRS 189.635(7)(b) does not allow KSP to make the unredacted data available to the Appellant. Therefore, KSP did not violate the Act when it denied a request for the data from police accident reports.⁴

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

³ On appeal, the Appellant stated he would “accept such reports” in place of the requested “data.” But the parties disagree as to whether the Appellant is entitled to unredacted collision reports under KRS 189.635(9) or whether providing responsive records would constitute an unreasonable burden on KSP under KRS 61.872(6). However, those issues are not before the Office in this appeal. Because the Appellant provided the Office with a request for data, not a request for a collision report, any issues regarding a potential request for collision reports is not before the Office. *See* KRS 61.880(2)(a); *see also* KRS 189.635(9)(b) (stating that “[a] request under this subsection shall be completed using a form promulgated by the department”).

⁴ Because KRS 189.635(7)(b) is dispositive of the issues on appeal, it is not necessary to address KSP’s argument that the Appellant’s request was a request for information that would require it to compile the data and create a record.

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Distributed to:

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