



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-087

March 31, 2025

In re: Randall Knuckles/City of Pineville

Summary: The Office cannot find that the City of Pineville (“the City”) violated the Open Records Act (“the Act”) when it failed to respond to a request it did not receive because of the City’s email spam filter.

Open Records Decision

On February 18, 2025, Randall Knuckles (“Appellant”) submitted a request to the City for “[d]ocuments used to obtain Kentucky ‘Official Use’ tag number H1299.” On March 2, 2025, having received no response from the City, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” On appeal, the City explains that it did not respond to the Appellant’s request because the spam filter for the email account to which the Appellant submitted his request rejected the Appellant’s email. Accordingly, the City claims not to have received the request. The Office has previously found that the interception of emailed requests by spam filters or anti-phishing programs that prevent them from reaching the recipient is tantamount to the agency not receiving the request. *See, e.g.*, 24-ORD-001; 23-ORD-182; 23-ORD-153; 23-ORD-064. Accordingly, the Office cannot find that the City violated the Act when it did not receive the request.

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

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Distributed to:

Randall Knuckles
Scott Madon