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25-ORD-137

May 27, 2025

In re: Kurt Wallace/Bullitt County Detention Center

Summary: The Bullitt County Detention Center (“the Jail”) violated the Open Records Act (“the Act”) when it failed to respond to a request that complied with KRS 61.880(1) within five business days of receiving it. The Jail also violated the Act when it failed to display its rules and regulations pertaining to public records or contact information for its records custodian on its website, as required by KRS 61.876(2).

Open Records Decision

On April 15, 2025, Kurt Wallace (“Appellant”) submitted a request via electronic mail to the Jail for 22 separate types of records.¹ The Appellant submitted the same request via U.S. mail on April 17, 2025. In the request, the Appellant also complained that the Jail has not identified its records custodian or provided its records custodian’s contact information on its website. After submitting his email request, the Appellant received a “system-generated message” stating that his email “could not be delivered.” On April 16, 2025, the Appellant emailed a Jail employee to ask if the Jail was aware that the email address to which he submitted his request was a “bad email.” That same date, the Jail responded and said it would “look into it.” On April 24, 2025, the Appellant again told the Jail that its website does not contain its open records policy or identify its records custodian. On April 26, 2025, having received no further response from the Jail, the Appellant initiated this appeal.

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.” KRS 61.880(1). Here, the

¹ The email address to which the Appellant transmitted his request was bullitt@kyjailer.com.

Appellant claims he sent two copies of his request to the Jail, on April 15 and 17, 2025, and has not receive a response. On appeal, the Jail does not assert that it timely responded to the Appellant's request. Rather, it states that it "thought this request [had already] been fulfilled." Thus, the Jail violated the Act when it failed to respond to a request within five business days of receiving it.

The Appellant also claims the Jail violated the Act by failing to display certain information on its website relating to open records. Under KRS 61.876(2), "[e]ach public agency" is required to "display in a prominent location accessible to the public, including on its Web site," information including a "copy of its rules and regulations pertaining to public records" and the "mailing address, e-mail address, and phone number of the official custodian of the records or his or her designee to which all requests for public records shall be made." According to the Appellant, the Jail's website² displays neither the applicable rules and regulations nor the required information about its records custodian. The Jail, on appeal, does not dispute the Appellant's assertion. Because the Jail's website does not display its rules and regulations pertaining to public records, as required by KRS 61.876(2)(a), or the contact information for its records custodian, as required by KRS 61.876(2)(b), the Jail violated the Act.

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

² See <http://www.bullittdetention.com> (last accessed May 27, 2025).

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Distributed to:

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