



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-144

June 4, 2025

In re: Jason O'Bannon/City of London

Summary: The City of London ("the City") did not violate the Open Records Act ("the Act") when it stated that it does not possess records responsive to the Appellant's request and identified the agency in possession of the requested records.

Open Records Decision

On April 16, 2025, Jason O'Bannon ("Appellant") submitted to the City a request for various "phone records" on six phones¹ belonging to members of the London City Council ("the Council"). The same day, the City stated it does not possess records belonging to the Council. Rather it stated that those records belong to the Council, and that the City was sharing the Appellant's request with the Council. Having received no further response by May 6, 2025, 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). "If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records." KRS 61.872(4).

Here, the City responded the day it received the Appellant's request, stating it does not possess any responsive records. Rather, the City explains that the Council has its own counsel and does not provide responsive records to the City's records custodian when the City receives requests for records belonging to the Council. In its

¹ The Appellant identified the phones by phone number.

original response and on appeal, the City identified the Council as the agency in possession of responsive records and identified the Council's records custodian. By doing so, the City met its obligations under the Act. *See* KRS 61.872(4). Accordingly, the City did not violate the Act.²

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

#196

Distributed to:

Jason O'Bannon
Katelin McPeck, London City Clerk
Larry Bryson, London City Attorney, City of London
Randall Weddle, London Mayor

² When initiating his appeal, the Appellant provided only his request to the City and the City's response. By doing so, the Appellant properly initiated an appeal as to that request and response. *See* KRS 61.880(2)(a). However, the Appellant also complains that the Council has not provided him with responsive records after the City shared his request with the Council. Such circumstances did not trigger the obligations of the Act with respect to the Council. *See, e.g.*, 05-ORD-242 ("[A] misdirected request that is forwarded to another agency need not be treated by the receiving agency as a proper open records request to the receiving agency."). Rather, if the Appellant wishes to request records from the Council, he must first submit a new request directly to the Council.