



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-183

July 18, 2025

In re: Kurt Wallace/Louisville Metro Government

Summary: The Louisville Metro Government (“Metro”) did not violate the Open Records Act (“the Act”) when it stated it would communicate with the Appellant about his request through its online open records portal.

Open Records Decision

Kurt Wallace (“Appellant”) submitted a 14-part request by email to Metro seeking records related to the “Louisville Data Center.” In response, Metro acknowledged receipt of the request, stated it was entering the Appellant’s request into its online open records portal (“NextRequest”), gave the Appellant his request number, and stated that all communication “regarding your request will be done through the portal.” Metro further explained that its “system makes it easier to track requests and will help expedite records being returned.” This appeal followed.

Under KRS 61.880(4), a person may petition the Attorney General to review an agency’s action if the “person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . the misdirection of the applicant.” “[T]he basic policy of [the Act] is that free and open examination of public records is in the public interest.” KRS 61.871.

The Appellant contends that Metro has subverted the intent of the Act by “impos[ing] a condition not authorized by the Act.” The Office disagrees. Here, Metro explains that it processes new requests for records through its NextRequest system. After accepting the Appellant’s request, it informed the Appellant of its intent to do the same with his request. According to Metro, the Appellant never stated that his preferred method of communication was email, and “[a]t no point did Louisville Metro advise [the Appellant] that it would not provide him with access to public records if

he refused to create an account with and utilize NextRequest.” As such, the record before the Office does not demonstrate that Metro mandated the use of its NextRequest system as a condition for receiving records.¹

Further, the Office does not believe that Metro’s apparent policy of communicating about records requests through NextRequest, absent a request for another form of communication, subverts the intent of the Act. “[T]he basic policy of [the Act] is that free and open examination of public records is in the public interest.” KRS 61.871. Metro explains that it uses its NextRequest system “to assist it in its obligation to timely respond to” the “thousands of open records request[s]” it receives each year. Thus, according to Metro, its NextRequest system “is used for the purpose of facilitating timely and efficient access to public records.” Rather than subverting the intent of the Act, Metro’s stated purpose for using NextRequest is in furtherance of the intent of the Act. Accordingly, Metro did not violate the Act when it stated it would communicate with the Appellant about his request through its online open records portal.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

¹ Because the record on appeal shows that the Metro did not mandate use of its NextRequest system as a condition for the Appellant to receive records, the Office makes no finding regarding whether such a mandate would subvert the intent of the Act.

² Nor did Metro violate KRS 61.872(2)(c), which states that “[a] public agency shall not require the use of any particular form for the *submission* of an open records request” (emphasis added). Here, Metro accepted the Appellant’s submission of his request through email, therefore complying with KRS 61.872(2)(c).

#273

Distributed to:

Kurt Wallace

Alice Lyon, Assistant Jefferson County Attorney

Nicole Pang, Assistant Jefferson County Attorney

Natalie S. Johnson, Assistant Jefferson County Attorney

Annale Taylor, Assistant Jefferson County Attorney