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25-ORD-238

August 29, 2025

In re: Matthew Johnson/Kentucky State Police

Summary: The Kentucky State Police (“KSP”) did not violate the Open Records Act (“the Act”) when it withheld records exempt under federal law.

Open Records Decision

On July 2, 2025, Matthew Johnson (“the Appellant”) submitted a request for records related to “audit records and system access logs maintained by the Control Terminal Agency” within KSP. The Appellant specified that he sought records documenting “access or queries involving [his] personal identifiers through” CJIS¹ systems between March 1, 2024, and July 2, 2025. Finally, the Appellant further explained that responsive records would show “The date and time of any query involving” him; “The agency initiating the query”; “The operating ID, terminal ID, or badge number of the querying individual”; “The originating system (e.g. NCIC, CJIS), if recorded”; and “The query type, if recorded.”

On July 18, 2025,² KSP provided the Appellant with responsive records but stated that it had redacted usernames, referred to as “UID,” pursuant to 28 C.F.R. § 20.21(f)(3)(i), which requires “KSP to safeguard criminal history record information, including access to ‘criminal records information facilities, systems operating environments, data file contents whether while in use or when stored in a media library, and system documentation.’” KSP explained that the “UID is one of two pieces of information needed to access the [CJIS] database, along with the password associated with the UID.” This appeal followed.

28 C.F.R. § 20.21(f)(2), a federal regulation incorporated into the Act by KRS 61.878(1)(k), requires that “[a]ccess to criminal history record information

¹ Criminal Justice Information Services.

² KSP had previously informed the Appellant that it would fulfill his request on July 18, 2025, relying on KRS 61.872(5). KSP’s invocation of KRS 61.872(5) is not at issue in this appeal.

system facilities, systems operating environments, data file contents . . . and system documentation is restricted to authorized organizations and personnel.” Similarly, 28 C.F.R. § 20.21(f)(3)(g) requires law enforcement agencies to institute procedures to “protect any central repository of criminal history record information from unauthorized access.”

KSP, initially and on appeal, has explained that the redacted materials include UIDs. According to KSP, those UIDs serve two functions. First, they trace “actions back to specific people.” Second, and most relevant here, the UID “is one of two pieces of information needed to access the CJIS database.”³ Thus, KSP explains that disclosing the UIDs contained in the responsive record “would leave the CJIS database vulnerable to unauthorized access” in violation of 28 C.F.R. § 20.21(f)(2) and (3)(g).

For his part, the Appellant asserts that UIDs “are not access credentials” and are “traceable identifiers” more “akin to badge numbers or operator IDs.” The Appellant offers no factual support for his assertion that the UIDs are not “access credentials.” Instead, the Appellant alternatively argues that the regulation does not prohibit disclosure of UIDs “when decoupled from passwords.” However, the Office agrees with KSP that a law enforcement agency does not comply with § 20.21’s requirements that access to the systems like CJIS be restricted to authorized personnel when it publicly discloses one of the two pieces of information required to access that database. Accordingly, the Office concludes that KSP did not violate the Act when it redacted UIDs the disclosure of which is prohibited by federal law.

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

³ The second piece of information required to access the CJIS database is a user’s password.

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Distributed to:

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