



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-243

September 4, 2025

In re: Kevin Black/Louisville Metro Office of the Inspector General

Summary: The Louisville Metro Office of the Inspector General (“OIG”) did not violate the Open Records Act (“the Act”) when it answered the Appellant’s request for information.

Open Records Decision

On July 15, 2025, inmate Kevin Black (“the Appellant”) submitted a request to OIG inquiring as to “the cost for obtaining a copy of any communication” containing “contact information for the merit board.” In response, on July 21, 2025, OIG stated that “the cost is zero” because it “has no responsive records to meet your request.” This appeal followed.

The Appellant alleges that OIG does, in fact, possess the record he identified in his cost inquiry. OIG maintains that it has provided every document that he has requested. Now, the Appellant asks that the Office to find that OIG possesses the record he identified.

However, the Appellant has not yet made a request for records from OIG. Instead, he submitted a request for information, *i.e.*, he asked for the cost to obtain a particular record. The Act does not require an agency to provide information, but only to produce public records upon a proper request. *See KRS 61.872(2)(a)* (a request to inspect records must include, among other things, a description of “the records to be inspected”); *see also Dep’t of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The [Act] does not dictate that public agencies must gather and supply information not regularly kept as part of [their] records.”). Because the Act does not require agencies to provide answers to requests for information, the Office cannot find that OIG violated the Act based on the Appellant’s belief that OIG’s answer to his question was incorrect.¹

¹ Accordingly, the Office does not address the issue regarding whether OIG’s statement that it does not possess the identified record is accurate.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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

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Distributed to:

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