



COMMONWEALTH OF KENTUCKY
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25-ORD-268

September 19, 2025

In re: Lori Davenport/City of Newport

Summary: The City of Newport (“the City”) violated the Open Records Act (“the Act”), when it failed to issue a timely response to a request.

Open Records Decision

On August 12, 2025, Lori Davenport (“Appellant”) submitted a request to the City for “all documentation on complaints and/or personnel action taken against [a specific employee] during his time of employment with” the City. On August 22, 2025, having received no response from the City, the Appellant initiated this appeal.

Under KRS 61.880(1), 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.” A public agency may also delay access to responsive records if such records are “in active use, storage, or not otherwise available.” KRS 61.872(5). A public agency that invokes KRS 61.872(5) to delay access to responsive records must also notify the requester of the earliest date on which the records will be available and provide a detailed explanation for the cause of the delay.

Here, the Appellant submitted her request on August 12, and as of August 22, she had yet to receive any response from the City. On appeal, the City does not dispute that it received the Appellant’s request or assert that it issued a timely response to that request. Instead, the City states that it needed additional time to retrieve the relevant personnel file from storage. Although KRS 61.872(5) does allow agencies to delay access to records if they are “in storage,” an agency still must state so, in writing, within five business days of receiving the request. The City did not do

so here. Thus, the City violated the Act when it did not issue a timely response to the Appellant's request.

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

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Distributed to:

Lori Davenport
Tiffany Meyers, Newport City Clerk
Dan Braun