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25-ORD-298

October 3, 2025

In re: Tanyqua Oliver/Boone County Sheriff's Office

**Summary:** The Boone County Sheriff's Office ("the Sheriff's Office") subverted the intent of the Open Records Act ("the Act"), within the meaning of KRS 61.880(4), when it delayed access to requested records without proper justification.

***Open Records Decision***

Tanyqua Oliver ("the Appellant") submitted a request to the Sheriff's Office seeking all video footage of a specific deputy between 6:26 p.m. and 6:44 p.m. on September 5, 2025, and any logs or reports related to the same deputy "running" the license plate number and driver's license of the Appellant. In response, the Sheriff's Office stated that it is not in possession of any logs or reports related to the incident.<sup>1</sup> Regarding the requested footage, the Sheriff's Office has explained that its vehicles do not have dashboard cameras, so only body-worn camera footage is available, and it advised the Appellant that responsive footage would be made available in approximately three weeks.<sup>2</sup> This appeal followed, challenging the Sheriff's Office's three-week delay.<sup>3</sup>

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant or deny the request. KRS 61.880(1). A public

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<sup>1</sup> Instead, it explains such records are in the possession of the Boone County Public Safety Communication Center. *See* KRS 61.872(4).

<sup>2</sup> The Sheriff's Office also stated that any redactions would be made under KRS 61.878(1)(a) or KRS 61.168(4).

<sup>3</sup> The Appellant also attempted to bring an appeal alleging the Sheriff's Office had not timely responded to her request. This appeal was brought prior to expiration of the Appellant's five-business-day deadline. *See* KRS 61.880(1). Before the Office could decline jurisdiction of that appeal, *see* 20-ORD-175 (explaining that the Office cannot assert jurisdiction over appeals brought prior to the expiration of time for a public agency to respond), the Sheriff's Office issued its timely response and the Appellant initiated this appeal. Accordingly, the timeliness of the Sheriff's Office's denial is not at issue in this appeal.

agency may delay access to responsive records beyond five business days if such records are “in active use, storage, or not otherwise available,” and the agency notifies the requester of the earliest date when records will be available and provides “a detailed explanation of the cause” for further delay. KRS 61.872(5).

A requester who believes the agency’s delay is unreasonable may seek the Attorney General’s review by alleging the agency subverted the intent of the Act by “delay past the five (5) day period described in [KRS 61.880(1)].” KRS 61.880(4). In determining how much delay is reasonable, the Office has considered the number of records the requester has sought, the location of the records, and the content of the records. *See, e.g.*, 22-ORD-176; 01-ORD-140; OAG 92-117. Weighing these factors is a fact-intensive analysis. *See* 21-ORD-045. Ultimately, the agency bears the burden of proof to sustain its action. KRS 61.880(2)(c).

Here, in its initial response, the Sheriff’s Office did not offer any explanation for why it required three weeks to produce the responsive records. As such, its initial response did not comply with the Act.

On appeal, the Sheriff’s Office explains that it required three weeks because it currently has three requests “that are currently pending, including” the Appellant’s request. While many unrelated, simultaneous requests to inspect records may place a strain on a public agency, “[n]either the volume of unrelated requests nor staffing issues justifies a delayed response.” *See* 19-ORD-188 n.1; *see also* 25-ORD-013; 24-ORD-063; 22-ORD-167. Here, the Sheriff’s Office asserts no justification for its three-week delay other than the existence of two other requests. Thus, the Sheriff’s Office has not met its burden under KRS 61.880(2)(c) to justify a three-week delay to produce the responsive video footage. Accordingly, the Department subverted the intent of the Act, within the meaning if KRS 61.880(4), when it unreasonably delayed access to records beyond the five-day period under KRS 61.880(1).

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](mailto: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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