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25-ORD-314

October 16, 2025

In re: Louis Adamson/Louisville Metro Government

Summary: The Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”), when failed to timely respond to a request for records under the Act. However, Metro did not violate the Act when it provided all records responsive to the request. Metro subverted the intent of the Act, within the meaning of KRS 61.880(4), by delay past the five-day period provided in KRS 61.880(1).

Open Records Decision

On October 14, 2024, Louis Adamson (“Appellant”) submitted a request to Metro for records related to his properties. On November 6, 2024, Metro granted the request and provided responsive records. This appeal followed.

First, 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.” On appeal, Metro does not dispute that its response to the Appellant’s request was untimely. As a result, Metro violated the Act when it failed to timely respond to the Appellant’s request.¹

¹ Metro asks the Office to consider the “significant delay” between the production of records and the Appellant’s appeal. Although Metro is correct that the Appellant waited several months to initiate this appeal, despite having received all responsive records, the Office still must find that Metro’s responses were untimely. See 25-ORD-294.

Next, the Appellant alleges that Metro engaged in “[e]xcessive delay” when it did not make all the records available within five business days.² Under KRS 61.880(4), a person may complain to the Attorney General that “the intent of [the Act] is being subverted by an agency short of denial of inspection including but not limited to . . . delay past the five (5) day period described in [KRS 61.880(1) or] excessive extensions of time.” Here, Metro did not fulfill the request within five business days or invoke KRS 61.872(5) to delay the fulfillment. Therefore, Metro subverted the intent of the Act, within the meaning of KRS 61.880(4), by delay past the five-day period provided in 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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² The Appellant also alleged that Metro uploaded the records in batches but did not release them to him as they were uploaded. On appeal, Metro explains that it uploads records into its online portal and then reviews and redacts responsive records. The Appellant’s assertion that records must be produced as soon as the agency locates them is not based in the Act. *See, e.g.*, 25-ORD-297 (explaining that the Act only requires records to be produced within five business days, not “at the earliest possible time”).