



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE  
SUITE 200  
FRANKFORT, KY 40601  
(502) 696-5300

25-ORD-326

October 20, 2025

In re: Cleysler Ramirez-Gonzalez/Lexington Police Department

**Summary:** The Lexington Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it withheld records that would identify victims of sexual violence.

### *Open Records Decision*

Inmate Cleysler Ramirez-Gonzalez (“Appellant”) submitted a request to the Department seeking “all records . . . related to an investigation” involving him. He specified that he is “specifically seeking printed copies of my phone call logs and text messages from the phone seized” when he was arrested. He further specified that the calls and texts “should be between” the second and ninth days of the month he was arrested. In response, the Department denied the Appellant’s request under KRS 61.878(1)(a) and (h). This appeal followed.

KRS 61.878(1)(a) exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” It is well established that “persons who ha[ve] been sexually victimized” have a substantial privacy interest in “information about which the public would have little or no legitimate interest, but which would be likely to cause serious personal embarrassment.” *Lexington–Fayette Urb. Cnty. Gov’t v. Lexington Herald–Leader Co.*, 941 S.W.2d 469, 472 (Ky. 1997) (citing *Ky. Bd. of Exam’rs of Psychologists v. Courier–Journal & Louisville Times Co.*, 826 S.W.2d 324 (Ky. 1992)). Furthermore, the Sixth Circuit Court of Appeals has recognized that a rape victim “has a fundamental right of privacy in preventing government officials from gratuitously and unnecessarily releasing the intimate details of the rape.” *Bloch v. Ribar*, 156 F.3d 673, 686 (6th Cir. 1998).

“Once a protectable privacy interest is established, proper application of the [Act] requires a ‘comparative weighing of the antagonistic interests’—the privacy interest versus the policy of openness for the public good.” *Cape Publ’ns v. City of*

*Louisville*, 147 S.W.3d 731, 734 (Ky. App. 2003) (quoting *Ky. Bd. of Exam'rs*, 826 S.W.2d at 327)). “At its most basic level, the purpose of disclosure focuses on the citizens’ right to be informed as to what their government is doing.” *Zink v. Commonwealth, Dep’t of Workers’ Claims, Labor Cabinet*, 902 S.W.2d 825, 829 (Ky. App. 1994). The disclosure of police records serves this public interest by allowing the public to “scrutinize the police to ensure they are complying with their statutory duties.” *Cape Publ’ns*, 147 S.W.3d at 733 (quotation omitted). Therefore, the public interest in disclosure of *police records* is not insubstantial.

Here, the Department explains that the Appellant seeks records containing “sensitive and identifying information about victims of sexual offenses.” Importantly, the Appellant seeks phone call logs and text messages which contain personally identifying information of the victims of the sexual assault. Such records are less likely to inform the public as to “what their government is doing” and more likely to infringe upon the privacy of victims of sexual offences. Indeed, it is not at all apparent how disclosure of phone calls and text messages with victims of sexual violence would serve the public interest. Conversely, victims of sexual violence possess “a substantial interest in the nondisclosure of their identities.” *Cape Publ’ns*, 147 S.W.3d at 735 (quotation omitted).<sup>1</sup> Given the minimal public interest in the disclosure of the records compared to the crime victim’s substantial privacy interests, disclosure of the requested records would constitute an unwarranted invasion of the victims’ personal privacy. Accordingly, the Department properly invoked KRS 61.878(1)(a) to withhold the list of evidence collected from the victim.<sup>2</sup>

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).

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<sup>1</sup> The Department further explains that “personal information is tightly intertwined with other information throughout the entire contents of the cellular phone” such that withholding the records in their entirety is necessary to protect the identity of the crime victims.

<sup>2</sup> Because the records are exempt under KRS 61.878(1)(a), the Office need not address Metro’s original invocation of KRS 61.878(1)(h).

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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Distributed to:

Cleysler Ramirez-Gonzalez#332525

Michael Cravens, Managing Attorney, Department of Law, Lexington-Fayette  
Urban County Government

Evan P. Thompson, Attorney, Lexington-Fayette Urban County Government