



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-337

October 27, 2025

In re: Ryan Dischinger/Louisville Metro Government

Summary: The Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) when it failed to timely respond to a request and when its initial response did not identify the federal law prohibiting disclosure. Metro did not violate the Act when it withheld records made exempt by federal law.

Open Records Decision

On September 11, 2025, Ryan Dischinger (“Appellant”) submitted a request to Metro seeking “all immigration detainees or paperwork related to immigration detainees served by employees of” Metro in 2025. Having received no response by September 27, 2025, 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.” On appeal, Metro does not dispute that it did not timely respond to the Appellant’s request. As a result, Metro violated the Act when it failed to timely respond to the Appellant’s request.

Shortly after the Appellant initiated his appeal, Metro issued a final response denying all responsive records, citing KRS 61.878(1)(a) and KRS 61.878(1)(k).¹ Explaining its reliance on KRS 61.878(1)(k), Metro stated that “these records are

¹ In its original response, Metro cited KRS 61.878(1)(h) rather than KRS 61.878(1)(k). On appeal, Metro explains that it cited KRS 61.878(1)(h) “in error” but points out that its explanation referred to “federal immigration laws” as evidence of its intent to rely on KRS 61.878(1)(k).

produced by U.S. Immigration Customs and Enforcement in conjunction of administrative adjudication of federal immigration laws.”

When a public agency denies a request for records, it must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1). The agency must “provide particular and detailed information” in giving its explanation, not merely a “limited and perfunctory response.” *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996). “The agency’s explanation must be detailed enough to permit [a reviewing] court to assess its claim and the opposing party to challenge it.” *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 81 (Ky. 2013). Thus, when the agency withholds records under KRS 61.878(1)(k), which applies to “public records or information the disclosure of which is prohibited by federal law or regulation or state law,” it must identify the provision of law that prohibits disclosure. *See Edmondson*, 926 S.W.2d at 858; *see also* 20-ORD-060; 97-ORD-178. Here, Metro referenced “federal immigration laws” without explanation. Therefore, Metro’s initial response violated the Act.

On appeal, Metro has elaborated on its reliance of KRS 61.878(1)(k). Metro now cites 8 C.F.R. § 236.6, which provides that “[s]uch information shall be under the control of the Service and shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations and executive orders. Insofar as any documents or other records contain such information, such documents shall not be public records.”² According to Metro, the “information in these records is under the sole control of US Immigration and Customs Enforcement,” and the records are therefore exempt under 8 C.F.R. § 236.6. The Office previously held that immigration detainees and associated records were properly withheld under 8 C.F.R. § 236.6 and KRS 61.878(1)(k). *See, e.g.*, 17-ORD-159 (finding that 8 C.F.R. § 236.6 prohibited the agency from disclosing immigration detainees). The present request presents no basis for the Office to depart from its prior holding. Thus, the requested records are exempt under KRS 61.878(1)(k). Metro did not violate the Act when it denied the Appellant’s request for “immigration detainees or paperwork related to immigration detainees.”³

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

² As used in the regulation, “Service means U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and/or U.S. Immigration and Customs Enforcement.” 8 C.F.R. § 1.2

³ Because the records are exempt under KRS 61.878(1)(k), the Office need not address Metro’s alternative reliance on KRS 61.878(1)(a).

any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

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/s/ Zachary M. Zimmerer
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Distributed to:

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