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25-ORD-366

November 20, 2025

In re: Luke Woodyard/Franklin County Clerk's Office

Summary: The Franklin County Clerk's Office ("the Clerk's Office") did not violate the Open Records Act ("the Act") when it did not make available for free records that are available online under KRS 61.874(6).

Open Records Decision

On September 29, 2025, Luke Woodyard ("Appellant") submitted a request to the Clerk's Office seeking "[c]opies of all scanned images of the City and County Plat Books/Cabinets." On September 30, 2025, the Clerk's Office advised that it possessed 15 cabinets containing "over 700 plates each," that it was not "sure how long [it] would take for us to complete" the search, and stated that the Appellant was welcome to inspect the records in person.

That same day, the Appellant clarified that he was seeking "the existing electronic copies of all currently scanned in Plats that Franklin County has on file" and referred to plats that had been made available online. In response, the Clerk's Office stated that (1) it does "not have record in a current digital file," (2) the Appellant had not "precisely described" the records he sought, (3) the Appellant should "reference KRS 61.872(6)," and (4) the records could be accessed on its "Ecclix system" upon payment of a subscription fee. This appeal followed.

The Appellant asserts that the Clerk's Office must provide him with the digital plat records that it makes available to persons having an Ecclix subscription. However, the Clerk's Office explains that the plat records are among those records it makes available online under KRS 61.874(6). Under that statute, an agency has discretion whether to provide online access to public records and may first require the requester to enter a licensing agreement or contract. The public agency may also charge a fee for online access not to exceed "computer . . . access charges." *Id.*

The Office has previously found that an agency is not required to produce digital records, *i.e.*, free copies of records, that only exist in digital form only after online access is established under KRS 61.874(6). *See* 23-ORD-285. There, the appellant challenged the agency's requirement that he pay a copying fee for records that were available online under KRS 61.874(6). The Office determined that the agency was not required to provide free copies of records made available under KRS 61.874(6). *Id.*

Here too, the Clerk's Office is not required to provide free copies of records it has only made available under KRS 61.874(6).¹ Thus, it did not violate the Act when it stated that the requested records could be accessed through its online "Ecclix system."²

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

¹ The Clerk's Office alternatively stated that the Appellant could inspect the records in person and make copies of the physical plats possessed by the Clerk's Office.

² Because the Clerk's Office is not required to provide free copies of records it has made available under KRS 61.874(6), the Office need not address the assertion by the Clerk's Office that the request did not precisely describe records or its reference to KRS 61.872(6). However, the Office does note that the Clerk's Office has estimated that it possesses 10,500 plats. A request that seeks all such records, without limitation, may not precisely describe the records sought.

#601

Distributed to:

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Max Comley, County Attorney, Franklin County