



COMMONWEALTH OF KENTUCKY
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25-ORD-379

December 1, 2025

In re: Amanda Lee/City of Hodgenville

Summary: The Office cannot find that the City of Hodgenville (“the City”) violated or subverted the intent of the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties regarding the records provided.

Open Records Decision

Amanda Lee (“Appellant”) submitted a request to the City seeking four types of records related to the City’s sewer system.¹ The City granted her request and provided responsive records. The Appellant then appealed under two grounds. First, she asserted that the records she received are the “incorrect records” and different from the records she requested and that the City “subverted the intent of the Open Records Act, KRS 61.880(4), by failing to provide the specific, requested public records.” Second, she asserted the records the City provided contain “highly sensitive, private information” that should not have been provided to her.²

First, 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 . . . and the complaint shall be subject to the same adjudicatory process as if the record had been denied.” The Office cannot resolve factual disputes between a

¹ Specifically, the Appellant requested: (1) “All maintenance logs, inspection reports, and service records for the sewer lines servicing South Lincoln Blvd from January 2025 to present.”

(2) “All complaints, incident reports, or citizen communications regarding sewer backups, overflows, or blockages in this area during the same time frame.” (3) “Any correspondence, work orders, or communications between the City of Hodgenville, the Department of Public Works, and/or contractors regarding sewer line blockages or repair affecting South Lincoln Blvd.” (4) “Any reports or findings from state or local agencies, including the Kentucky Division of Water, concerning sewer infrastructure or compliance issues in the area.”

² The Appellant states that the records contained the “names, phone numbers, and home addresses” of “multiple residents.”

requester and a public agency about the content of the records produced. *See, e.g.*, 22-ORD-246; 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81.

Here, the Appellant claims the records she received differ from the records she requested. Initially and on appeal, the City states it provided “all the records that exist” related to the specific sewer line.³ Thus, a factual dispute exists between the Appellant and the City regarding whether the records the City provided are the records she requested. Ultimately, the Office cannot resolve this factual dispute, or find that the City’s production of records either violated or subverted the intent of the Act.

The Appellant also alleges that the City gave her records containing “highly sensitive, private information” that should not have been provided to her. However, the Act contains no confidentiality provision for information concerning persons requesting records.⁴ The Attorney General is only authorized under KRS 61.880(2)(a) to adjudicate disputes arising under the Act. *See, e.g.*, 25-ORD-102. Accordingly, the Office has no jurisdiction over a claim of “privacy breach.”

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.

³ Once a public agency states affirmatively that it does not possess any responsive records, the burden shifts to the requester to make a *prima facie* case that the records do exist and that they are within the agency’s possession, custody, or control. *See Bowling v. Lexington-Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). If the requester makes a *prima facie* case that the records do or should exist, “then the agency may also be called upon to prove that its search was adequate.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 848 n.3 (Ky. 2013) (citing *Bowling*, 172 S.W.3d at 341). To make a *prima facie* case that the agency possesses or should possess the requested records, the requester must provide some statute, regulation, or factual support for that contention. *See, e.g.*, 23-ORD-207; 21-ORD-177; 11-ORD-074. Here, the Appellant did not attempt to make a *prima facie*.

⁴ Although the Appellant cites KRS 61.878(1)(a), that provision does not create a right of confidentiality, but merely authorizes a public agency to redact personal identifying information from public records requested under the Act if the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.”

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Distributed to:

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