



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-395

December 9, 2025

In re: Jason Kremer/Northern Kentucky Water District

**Summary:** The Northern Kentucky Water District (“the District”) violated the Open Records Act (“the Act”) when it withheld a records without explaining why their disclosure would constitute an unwarranted invasion of privacy under KRS 61.878(1)(a). The District did not violate the Act when it instructed the Appellant to only communicate with its records custodian about his request for records.

### *Open Records Decision*

On October 13, 2025, Jason Kremer (“the Appellant”) submitted a seven-part request to the District for records related to two specific addresses, the Appellant, and his business.<sup>1</sup> In response, the District responded to each part of the request, stating whether it had responsive records, how many records would be produced, and what exemptions applied to any of the parts. This appeal followed.

The Appellant alleges the District improperly withheld records responsive to part 1 of his request. In its response to part 1, the District noted that the Appellant had not provided any temporal limitations to his request and it would provide him with all records related to the specified addresses created since January 1, 2023, and would only otherwise provide records that reference the Appellant, his spouse, or his business. The District argued that it would be unreasonably burdensome under

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<sup>1</sup> Specifically, the Appellant sought: (1) all account and service records related to two addresses and specified that responsive records “[include all records referencing] the Appellant, his spouse, or his business; (2) records related to “unauthorized account name additions; (3) communications sent to or from two individuals between January 1, 2024, and the date of the request which reference the Appellant, his spouse, or his business; (4) records related to the theft of property belong to the Appellant or his business; (5) records of site visits by District employees between January 1, 2023, and the date of the request at two specified addresses; (6) correspondence and filing between the District and the Public Service Commission related to a specific case; and (7) all other records “related to the above matters.”

KRS 61.872(6) to provide all existing records related to those addresses. The District also stated that it was withholding 46 pages of records under KRS 61.878(1)(a).

To start, part 1 of the Appellant request sought certain records that reference him, his spouse, or his business. The District explained that it limited its response to records created since January 1, 2023, “except to the extent a record references” him or his business. As such, it appears that the District has provided all records responsive to the Appellant’s request. Records that do not reference the Appellant or his business are not responsive to this part of the request. Therefore, the District’s decision not to provide them did not violate the Act.

However, the District did state that it was withholding 46 pages of responsive records under KRS 61.878(1)(a) because they contain “personal lifestyle information of the respective third-party account holders.” 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.” *Id.* It requires a “comparative weighing of the antagonistic interests” between privacy and the public interest in disclosure. *Ky. Bd. of Exam’rs of Psychologists v. Courier-Journal & Louisville Times Co.*, 826 S.W.2d 324, 327 (Ky. 1992). In support of its denial, the District relies on 96-ORD-176. There, the Office found that water and sewer bills for individual residences were exempt under KRS 61.878(1)(a) insofar as information regarding the amount of water and sewer usage could “be used to infer a particular life style of a residential customer.”

Here, the District has provided the Office with the materials it withheld under KRS 61.878(1)(a). Those materials, in part, contain water and sewage billing and usage information for third parties, and their disclosure would constitute an unwarranted invasion of personal privacy.<sup>2</sup> But that is not the only type of information contained in the withheld records. As just one example, the records include service order notes related to the identified addresses. The District has not explained why disclosure of these records amounts to an unwarranted invasion of personal privacy. Nor has it explained why it cannot redact private information implicated by KRS 61.878(1)(a). Accordingly, although the District properly withheld billing and usage information included in the withheld records, it has not explained why disclosure of records that do not contain billing or usage information would be an unwarranted invasion of personal privacy.

The Appellant also complains that the District cited “legal discovery” as a basis for denying the Appellant’s request. However, no portion of the District’s response expressed such a denial. Therefore, the District has not violated the Act by relying on “legal discovery” to withhold records.

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<sup>2</sup> It appears that these records relate to properties owned by the Appellant but whose residents are third-parties.

Finally, the Appellant complains that the District's records custodian instructed him to cease corresponding with other District employees regarding his request for records. He asserts that this constitutes a "additional barrier to exercising [his] rights under" the Act. The Appellant is incorrect. A request to inspect records must be sent to an agency's official custodian. *See* KRS 61.872(2)(b). Here, the District required that requests for records and related communications only be sent to its records custodian. That requirement does not violate the Act.

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).

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

/s/ Zachary M. Zimmerer  
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Distributed to:

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