



COMMONWEALTH OF KENTUCKY  
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26-ORD-005

January 9, 2026

In re: Grady Throneberry/Jefferson County Sheriff's Office

**Summary:** The Jefferson County Sheriff's Office ("the Sheriff's Office") did not violate the Open Records Act ("the Act") when it denied a request for a record that is confidential under KRS 15.400(3).

***Open Records Decision***

Grady Throneberry ("the Appellant") submitted a request to the Sheriff's Office for his "[p]re-employment background investigation file." The Sheriff's Office denied the request on the grounds that the record was exempt under KRS 15.400(3). This appeal followed.

KRS 15.400(3), which applies to peace officers employed after December 1, 1998, provides, in relevant part: "The Open Records Act notwithstanding, [the] background investigation . . . conducted for any person seeking certification pursuant to KRS 15.380 to 15.404 shall not be subject to disclosure." This statute makes the background investigation file for a law enforcement officer "categorically exempt under the Act." 25-ORD-109. Here, the Appellant argues that he, as the applicant for employment, should be entitled to inspect his own background investigation. *See* KRS 61.878(3) ("No exemption in this section shall be construed to deny, abridge, or impede the right of a public agency employee, including [an] applicant for employment, [to] inspect and to copy any record [that] relates to him or her."). However, the right of access under KRS 61.878(3) "does not extend to records that are made confidential by state law." 23-ORD-234. Accordingly, under KRS 15.400(3), an applicant for employment as a peace officer may not inspect his own background investigation file. *See* 00-ORD-118. Therefore, the Sheriff's Office did not violate the Act when it denied the Appellant's request.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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Distributed to:

Mr. Grady Throneberry  
Lt. Col. Mike Littlefield