



COMMONWEALTH OF KENTUCKY
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26-ORD-023

January 21, 2026

In re: Chris Daniel/Franklin County Fire Department

Summary: The Franklin County Fire Department (“the Department”) violated the Open Records Act (“the Act”) when it did not fulfill a request for records within five business days or properly invoke KRS 61.872(5) to delay access to the requested records.

Open Records Decision

On December 15, 2025, Chris Daniel (“Appellant”) submitted a request for records to the Department. On December 22, 2025, the Department notified the Appellant that it was “working on gathering the records” and that it was “estimating that it will take approximately two weeks to complete this request.” This appeal followed.

Under KRS 61.880(1), a public agency must decide within five business days whether to grant a request or deny it and “notify in writing the person making the request, within the five (5) day period, of its decision.” This time may be extended under KRS 61.872(5) when records are “in active use, in storage or not otherwise available,” but only if the agency “immediately notif[i]es] the applicant” and gives “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record will be available for inspection.”

Here, the Department issued a written response within five business days, but it did not provide any records within that time. As a result, the Department was obligated to comply with KRS 61.872(5) by including a detailed explanation of the reason for delay and a specific date when records would be made available to the Appellant. Yet, the Department’s statement that it was “working on gathering the records” did not provide a detailed explanation of the reason for delay. And its

“estimate[] that it will take approximately two weeks to complete this request” only provided an estimated amount of time, not a specific date, to fulfill the request. Thus, the Department violated 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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