



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-027

January 21, 2026

In re: Glenda Wright/Kentucky Personnel Board

Summary: The Kentucky Personnel Board (“the Board”) subverted the intent of the Open Records Act (“the Act”), within the meaning of KRS 61.880(4), when it delayed access to requested records without proper justification.

Open Records Decision

On December 22, 2025, Glenda Wright (“the Appellant”) submitted a request for “the entire record & items associated with [her] case” before the Board, including “all audio and video recordings[,] all communications related to this case, emails, written orders,” and “everything filed and received” in the case. The Board responded on December 29, 2025, stating it needed “additional time to comply pursuant to KRS 61.872(5)” because “pivotal” staff members were out of the office “due to the Christmas and New Years holidays.” The Board further stated that “extra time is needed to respond because of the recent volume of records requests served upon the Board that extends its limited resources” and because “records may require additional time to review and evaluate for responsiveness, make redactions, evaluate legally required confidentiality, and evaluate exclusions.” The Board gave January 9, 2026, as the earliest date by which it would issue a final response and make records available. This appeal followed.

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant or deny the request. KRS 61.880(1). A public agency may delay access to responsive records beyond five business days if such records are “in active use, storage, or not otherwise available.” KRS 61.872(5). A public agency that invokes KRS 61.872(5) to delay access to responsive records must also notify the requester of the earliest date on which the records will be available and provide a detailed explanation for the cause of the delay.

A requester who believes the agency’s delay is unreasonable may seek the Attorney General’s review by alleging the agency subverted the intent of the Act by

“delay past the five (5) day period described in [KRS 61.880(1)].” KRS 61.880(4). In determining how much delay is reasonable, the Office has considered the number of records the requester has sought, the location of the records, and the content of the records. *See, e.g.,* 22-ORD-176; 01-ORD-140; OAG 92-117. Weighing these factors is a fact-intensive analysis. *See* 21-ORD-045. Ultimately, the agency bears the burden of proof to sustain its action. KRS 61.880(2)(c).

Here, the Appellant submitted a request to the Board, and in response, the Board invoked KRS 61.872(5) to delay the Appellant’s access to the public records for an additional five business days. As justification for the delay, the Board stated key personnel were temporarily out of the office, a large number of other requests for records were pending, and it was necessary to review and redact the records. However, the Board did not state how many records were implicated by the Appellant’s request or how long it would take to review and redact each record. Moreover, while many unrelated, simultaneous requests to inspect records may place a strain on a public agency, “[n]either the volume of unrelated requests nor staffing issues justifies a delayed response.” *See* 19-ORD-188 n.1; *see also* 24-ORD-063; 22-ORD-167. Rather, a public agency must “make proper provision for the uninterrupted processing of open records requests” by having “an individual available to timely process” those requests. 04-ORD-008; *see also* 24-ORD-039. In sum, the Board did not meet its burden to justify an additional five days in responding to the Appellant’s request. Accordingly, the Board subverted the intent of the Act, within the meaning of KRS 61.880(4), when it delayed access to records beyond the five-day period allowed under KRS 61.880(1).

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
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Distributed to:

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