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26-ORD-034

February 2, 2026

In re: Morgan Watkins/Louisville Metro Government

Summary: The Louisville Metro Government (“Metro”) did not violate the Open Records Act (“the Act”) when it denied a request for documents related to its Flock Safety cameras and met its burden to invoke KRS 61.872(6).

Open Records Decision

On July 30, 2025, Morgan Watkins (“Appellant”) submitted a request to Metro seeking records related to its “Flock Safety automatic license plate reader camera systems and associated database.” In relevant part, the Appellant sought “[a]ny documents that detail the number of Flock Safety cameras in [Metro’s] possession and the locations of [Metro’s] Flock Safety cameras.” Metro denied the request under KRS 61.872(6), stating that complying with the request would be unreasonably burdensome because, if it disclosed the records, a “complete overhaul of the camera system would be required” and the cameras would “need to be relocated each time the locations were made public.” This appeal followed.¹

On appeal, Metro maintains that the records are exempt under KRS 61.872(6). Under that statute, a public agency may deny a request to inspect records “[i]f the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency.” However, an agency must substantiate its denial “by clear and convincing evidence.” *Id.*

¹ In response to the other parts of the Appellant’s request, Metro either stated no responsive records existed or provided the requested records with redactions. The Appellant has not challenged Metro’s responses to these other portions of his request.

As support for its contention, Metro relies on a line of decisions in which the Office stated that KRS 61.872(6) is successfully invoked “[i]f the agency can establish, by clear and convincing evidence, that an application for public records would place an unreasonable burden on it because the agency would be forced to overhaul an existing system each time the records were requested and released.” 04-ORD-058. Metro explains that it has a contract with Flock Safety to provide cameras “for the purpose of detecting, tracking, and deterring criminal activity,” which “are installed in road rights-of-way to track license plates and are utilized to search for and track stolen vehicles, suspects, and missing persons.” According to Metro, granting the Appellant’s request would “subject the cameras to detection and would require a complete overhaul of the Flock camera system.” Metro argues that the cameras’ “effectiveness in identifying and deterring criminal activity would be greatly reduced” if their locations were known to the public.

A public agency may properly invoke KRS 61.872(6) to deny a request for public records if it shows, by clear and convincing evidence, that “release of those records would compromise a significant governmental interest, thereby necessitating an immediate revision of policy or practice so as to avoid the subversive use of the records, or information contained therein.” 95-ORD-121. In particular, the Act does not require public agencies to disclose “public records [that] would facilitate violation of the law and undermine its enforcement.” *Id.* Thus, the Office has affirmed the nondisclosure of portions of the Kentucky State Police policy manual that “would enable persons to impede the goals for which the policies and procedures were adopted” or could be used to “circumvent or violate the law.” 97-ORD-26; *see also* 08-ORD-010 (affirming the denial of a request for video of a polygraph test and related policies because disclosure of “examination methods and tactics [would] compromise a significant governmental interest or impede important operations”); 99-ORD-83 (affirming the denial of a request for portions of a crime report that “would disclose geographic targets, investigative tactics, and recommendations [and] would irreparably compromise prospective law enforcement and defeat the purpose for which the report was intended”); 97-ORD-129 (affirming a drug task force’s denial of a request for a portion of its manual dealing with the use of confidential informants); 95-ORD-121 (affirming a jail’s denial of a request for policies and procedures “which, if revealed, would enable persons to impede [the] safety and security of a detention facility [and] necessitate an immediate revision in policy and practice”). Here, Metro has articulated a significant governmental interest in preventing the use of its records to undermine enforcement of the law.

In 25-ORD-400, the Office found Metro had not met its burden under KRS 61.872(6) when it denied a request for Real Time Crime Center (“RTCC”) camera footage from a four-block area on the grounds that it would have to relocate its cameras after disclosure to maintain the efficacy of the RTCC system. Specifically, the Office noted that Metro had “not identified the number of cameras implicated by [the] request” or explained “how much of a burden their relocation would impose on Metro.” Here, by contrast, Metro explains that its contract with Flock Safety provides for 295 cameras, of which only 189 “are currently installed and operational” because Metro “conducts a lengthy approval, permitting, and installation process for each camera, which can take months.”² If Metro moves a device after it has been placed, the cost “can be between \$500 and \$1000, plus the months of permitting for the new location.” Thus, if the locations of the cameras were disclosed, Metro’s cost to relocate all of the 189 cameras it has already installed would be between \$94,500 and \$189,000, coupled with the loss of efficiency and deterrence resulting from the disclosure of existing camera locations. To relocate all 295 cameras, the cost would be between \$147,500 and \$295,000. Under the facts presented, Metro has met its burden of establishing by clear and convincing evidence that granting the Appellant’s request would be unreasonably burdensome. Therefore, Metro did not violate the Act.³

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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² Of the 106 cameras still awaiting approval, Metro states some “have been in the permitting process for six months to a year.”

³ In 25-ORD-400, the Office did not uphold Metro’s denial of camera footage based on KRS 61.878(1)(m). No portion of this appeal requires the Office to depart from its decision in 25-ORD-400.

Distributed to:

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