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26-ORD-051

February 16, 2026

In re: Cameron Stewart/Lexington Police Department

**Summary:** The Lexington Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it denied under KRS 61.878(1)(a) a request for all photographs of a particular license plate captured during a ten-day period. The Department violated the Act when it denied under KRS 61.878(1)(a) a request for one minute of video captured at a particular location.

***Open Records Decision***

On November 9, 2025, Cameron Stewart (“Appellant”) submitted a request to the Department seeking license plate reader records. First, the Appellant sought any “[s]till from a video or images taken by the flock safety [license plate reader] located at” a particular intersection on November 8, 2025. The Appellant further limited his request to a one-minute window.<sup>1</sup>

Second, the Appellant sought “[a]ny and all [license plate reader] data/records that contain a read detection” for a particular Kentucky license plate. For any “detection,” the Appellant requested that the Department identify the “date and time” of the detection and provide any related “digital image[s] or photographs.” The Appellant further stated that his request was limited to a specified ten-day period.

In response, the Department denied the request under KRS 61.878(1)(a), explaining that disclosure of license plate reader data and records that have not been

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<sup>1</sup> Related to this request, the Appellant also sought records documenting any “search query or log accessing aforementioned data.” On appeal, the Department explains that no such record exists.

used by the Department for “law enforcement and public safety purposes” would constitute an unwarranted invasion of personal privacy.<sup>2</sup> This appeal followed.

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.” To determine whether a public record may be redacted or withheld under KRS 61.878(1)(a), the Office must weigh the public’s right to know that a public agency is properly executing its functions against the “countervailing public interest in personal privacy” when the records at issue contain information that touches upon the “most intimate and personal features of private lives.” *Ky. Bd. of Exam’rs of Psychologists v. Courier–Journal & Louisville Times Co.*, 826 S.W.2d 324, 328 (Ky. 1992). This balancing test requires a “comparative weighing of the antagonistic interests. Necessarily, the circumstances of a particular case will affect the balance. . . . [T]he question of whether an invasion of privacy is ‘clearly unwarranted’ is intrinsically situational, and can only be determined within a specific context.” *Id.* at 327–28.

To start, the Office “must initially determine whether such record or information contained therein is of a ‘personal nature.’” *Lexington H-L Servs., Inc. v. Lexington–Fayette Urb. Cnty. Gov’t*, 297 S.W.3d 579, 584 (Ky. App. 2009). Describing the personal information here, the Department states that the requested records would reveal the location of private individuals and those individuals’ “daily patterns.” In the context of the Fourth Amendment, the Supreme Court of Kentucky has recognized that “an individual has no reasonable expectation of privacy in his movements on a public road.” *Commonwealth v. Reed*, 647 S.W.3d 237, 249 (Ky. 2022). Moreover, the Office has previously found that there was “only a minimal personal privacy interest implicated by release of” surveillance footage which captured the “locations where individuals embarked or debarked buses.” 19-ORD-053. As such, here the Office concludes that disclosure of the records only implicates a minimal privacy interest.

“The public’s ‘right to know’ under the Open Records Act is premised upon the public’s right to expect its agencies properly to execute their statutory functions.” *Bd. of Exam’rs*, 826 S.W.2d at 328. Describing the public interest here, the Appellant states the “public has a right to know how these police tools are functioning outside of internal reports/audit.” However, the Department’s original response stated the

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<sup>2</sup> The Department further stated that if the request related to a vehicle owned by the Appellant and he could provide proof of that fact, it would release the requested records in response to a resubmitted request.

Appellant sought license plate reader information “not previously accessed for law enforcement and public safety purposes.” Thus, although the Appellant’s assertion that the public has an interest in knowing how this “police tool” is being used is correct, it does not appear that the disclosure of the specifically requested records would meaningfully serve that interest beyond simply showing where the Department’s license plate reader cameras currently capture images. Thus, although disclosure would somewhat serve the public interest described by the Appellant, the degree to which the disclosure actually serves that interest is minimal.

Having found that the Appellant’s request only minimally serves a public interest and that the disclosure would only implicate a minimal privacy interest, the Office will weigh those interests separately regarding each part of the Appellant’s request.

First, the Appellant requested a single minute of “stills and videos” from a particular license plate reader camera. The request is limited by geographic location, not by who is captured in it. Moreover, the request is limited in temporal scope. Regarding the privacy interest here, the Department’s argument is limited to a general assertion that a person’s location at a given time is personal and should not be disclosed. There is not a description of a specific privacy interest implicated by this specific video. And, as explained above, the public interest in ensuring a public agency is properly executing its functions is served to a degree by disclosure of what video it has captured. As such, the Office finds that the Department has not met its burden to withhold the one minute of “stills and video” and, therefore, violated the Act.

The second part of the Appellant’s request must be analyzed differently. This part sought all “digital image[s] or photographs” of a specific Kentucky license plate captured by the Department license plate readers over a ten-day period. Unlike the first part of his request, this part is not limited by geography. Rather, its scope includes any time a private individual’s vehicle was capture on video. Moreover, the ten-day window identified by the Appellant is broader and more invasive than the one-minute window implicated by the first part of the request. As such, disclosure of the requested records would allow a requester to comprehensively document all the private individual’s movements for an extended period. This type of personal information is more significant than a single disclosure of a private individual’s location at a precise point in time.<sup>3</sup> And here, there is only a minimal service to the

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<sup>3</sup> In *Reed*, the Supreme Court recognized that a person has a greater expectation of privacy in his cell phone’s real-time cell-site location information (CSLI) than he does in his physical movements on a public road. 647 S.W.3d at 249. In distinguishing the two, the Court stated, “At the time police pinged

public interest because there has been no law enforcement action associated with the requested records.<sup>4</sup> As such, the Office finds that the Department has met its burden to withhold these records under KRS 61.878(1)(a).

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  
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Distributed to:

Cameron Stewart

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Reed's cell phone, Reed was not under visual police surveillance. Instead, the only reason police were able to locate and surveil Reed on a roadway was as a result of their acquisition of Reed's CSLI." *Id.* Though this is an appeal under the Act and not a Fourth Amendment case, like the real-time CSLI at issue in *Reed*, the license plate reader records at issue here potentially would allow a significantly greater ability to track a person's movements than would be possible by visual surveillance alone, and the disclosure of such records may strike some as an unreasonable invasion of privacy. However, given the lack of a geographic limitation and the period of time for which the Appellant sought records, the Office need not evaluate a person's privacy interest in such license plate reader records more generally.

<sup>4</sup> The minimal public interest here distinguishes this decision from 19-ORD-053. The footage there captured "an alleged assault by a mass transit operator." Therefore, that decision weighed a much more substantial public interest in disclosure than that which is implicated here.