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26-ORD-083

March 10, 2026

In re: Holly Alhasaei/Bardstown Police Department

Summary: The Bardstown Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it did not respond to a request it did not receive and when it subsequently issued a timely response.

Open Records Decision

On January 8, 2026, Holly Alhasaei (“Appellant”) submitted a request to the Department for records related to her court case, which she identified by case number. On January 15, 2026, having received no response from the Department, the Appellant inquired as to the status of her request. On January 16, 2026, the Department informed the Appellant that it “did not receive [her] original request” because it was diverted to its “spam folder” but that it would make every effort to complete her request by “next Thursday,” January 22, 2026. On January 23, 2026, having received no further response from the Department, the Appellant again inquired as to the status of her request. On February 10, 2026, alleging the Department had not timely responded to her request, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” Initially and on appeal, the Department explains it did not respond to the Appellant’s request at first because the request was captured by its “spam folder” for the email account to which the Appellant submitted her request. Thus, the Department asserts it did not receive the request. The Office has previously found that a request that is diverted to a spam email folder or other anti-phishing programs that prevent the request from

reaching the intended recipient is equivalent to the agency not receiving the request. *See, e.g.*, 23-ORD-153; 23-ORD-064. Similarly, here, the Office cannot find the Department violated the Act when it did not respond to a request it did not receive.

Moreover, the Department timely responded upon receiving notice of the Appellant's request. The Department states it received the request when the Appellant submitted her inquiry on January 15, 2026. The fifth business day following January 15, 2026, was January 23, 2026, the date on which the Department responded to the Appellant.¹ As such, the Department did not violate the Act when it timely responded to the Appellant's request.²

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:

Holly Alhasaei
Kim Kraeszig
Audrey Haydon-Blackmon

¹ State offices were closed on January 19, 2026, the third Monday in January, for the birthday of Martin Luther King, Jr., which is a state holiday. KRS 2.110(1) (“[T]he third Monday of January (Birthday of Martin Luther King, Jr.)” is a state holiday “on which all the public offices of this Commonwealth may be closed.”); KRS 18A.190(1)(b) (“State offices shall be closed and state employees shall be given a holiday on . . . [t]he third Monday in January[.]”). January 17 and 18, 2026, were a Saturday and a Sunday, respectively.

² The Department's January 23 response invoked KRS 61.872(5). The Appellant has not challenged the invocation of that exemption on appeal.