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26-ORD-110

March 19, 2026

In re: Nathan McCamish/Lexington Police Department

Summary: The Lexington Police Department (“the Department”) violated the Open Records Act (“the Act”) when it denied a request on the basis of residency when the requester stated the manner in which he qualified as a resident of the Commonwealth under KRS 61.870(10).

Open Records Decision

Nathan McCamish (“Appellant”) submitted a request to the Department for “[o]rganizational and Network audits for [the Department’s] Flock system from October 1, 2025 to present.” The Department denied the request under KRS 61.872(2)(a) because it “contains incomplete information,” explaining that “[n]o address or phone number was provided” and the Department is “unable to verify [the Appellant’s] status as a resident of Kentucky. This appeal followed.

Under KRS 61.872(2)(a), “[a]ny resident of the Commonwealth shall have the right to inspect public records.” A public agency “may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” *Id.* A “[r]esident of the Commonwealth” includes “[a]n individual residing in the Commonwealth.” KRS 61.870(10)(a).

Here, the Appellant stated he is “[a]n individual residing in the Commonwealth.” However, the Department denied the request under KRS 61.872(2)(a), asserting it “contains incomplete information” because “[n]o address or phone number was provided,” and the Department was therefore “unable to verify [the Appellant’s] status as a resident of Kentucky.

Under the Act, an official records custodian may require a person requesting to inspect records “to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” KRS 61.872(2)(a). However, because that provision does not allow for a demand of proof, “[a]n agency cannot deny a request on the basis of residency by simply asserting the requester is not a resident of the Commonwealth or that the requester has not proven his or her resident status.” 25-ORD-156; *see* 22-ORD-120.

In 22-ORD-120, the requester submitted his request, stating only that he was “a man in Kentucky.” *Id.* In response, the agency found his residency statement insufficient and asked him to clarify how he was a resident of the Commonwealth by providing an address. *Id.* The requester then provided a P.O. Box address, but the agency still asked the appellant to “provide proof of residency.” *Id.* Because that provision does not allow for a demand of proof, the Office held that the agency’s demand for proof violated the Act.¹

Here, the Department denied the Appellant’s request because it was “unable to verify [his] status as a resident of Kentucky” and demanded proof in the form of an “address or phone number.” This the Department cannot do. KRS 61.872(2)(a) only authorizes the Department to request a statement of residency. Despite the Appellant’s statement that he is “[a]n individual residing in the Commonwealth,” the Department denied the request because he did not provide further proof. Thus, the Department violated the Act when it initially denied the Appellant’s request on the basis of residency.

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.

¹ The Office separately held that the initial request for a clarification of the requester’s statement of residency did not violate the Act. Here, the Department likens its denial to that initial clarification request. However, the Appellant has clearly stated he is “[a]n individual residing in the Commonwealth” and the Department has required proof, not a clarification. Thus, 22-ORD-120 does not support the Department’s position.

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/s/ Matthew Ray
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Distributed to:

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