



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-174

April 22, 2026

In re: Anthony Willett/Henderson County Detention Center

Summary: The Henderson County Detention Center (“the Center”) did not violate the Open Records Act (“the Act”) when it allowed a former employee five days to file a civil action to prevent the release of records under *Beckham v. Board of Education of Jefferson County*, 873 S.W.2d 575 (Ky. 1994). The Center did not violate the Act when it identified records it does not possess and provided contact information for the custodian of those records.

Open Records Decision

On March 18, 2026, Anthony Willett (“the Appellant”) submitted a request to the Center seeking “records related to the employment” of a named Center employee. In a March 24, 2026, response, the Center identified records that could be obtained from a particular Henderson County employee¹ and provided her contact information. The Center further said that the subject of the request had standing to bring a civil action under *Beckham* to enforce his privacy rights under KRS 61.878(1)(a). For this reason, the Center stated it would grant the subject of the request five business days after the date of its response in which to file such an action before the Center released records to the Appellant. This appeal followed.

Under KRS 61.872(4), “[i]f the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency’s public records.” The Center complied with KRS 61.872(4) by identifying which requested records it does not possess and providing the name and contact information of the custodian of those records. As such, this portion of the Center’s response did not violate the Act.

¹ The identified records custodian is an employee of the Henderson County Fiscal Court.

The Appellant also argues the Center violated the Act by allowing its employee time to file an action under *Beckham*. In *Beckham*, the Supreme Court of Kentucky held that, under KRS 61.882(1), a person affected by an agency's disclosure of records has standing to petition the circuit court to prevent the agency from disclosing the records. 873 S.W.2d at 579. An affected person who receives notice from the agency of an open records request is responsible for taking "such further action as he deems appropriate." *Lexington-Fayette Urb. Cnty. Gov't v. Lexington Herald-Leader Co.*, 941 S.W.2d 469, 473 (Ky. 1997). Neither the General Assembly nor the Court has specified how much time such a person may be given to bring an action under *Beckham*. However, this Office previously found that ten days was not an unreasonable delay for this purpose. *See, e.g.*, 22-ORD-170; 14-ORD-064. Accordingly, the Center did not violate the Act by affording the employee five days to file an action to prevent the release of his employment records.

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

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Distributed to:

Anthony Willett, Appellant
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Shelly Vaught, Henderson County Detention Center, Administrative Assistant
Steve Gold, Henderson County Attorney