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26-ORD-178

April 24, 2026

In re: *The Courier–Journal*/Grayson County E-911

Summary: Grayson County E-911 (“the Agency”) violated the Open Records Act (“the Act”) when its initial response did not explain how particular exceptions applied to authorize the withholding or redaction of records. The Agency did not violate the Act when it withheld records that are confidential under KRS 311A.190(5), or when it redacted information that is confidential under KRS 65.752(4) or would constitute a clearly unwarranted invasion of personal privacy under KRS 61.878(1)(a). However, the Agency violated the Act when it withheld 911 recordings under KRS 61.872(6) without a showing of unreasonable burden, and when it redacted identifying information of EMS personnel without a statutory basis for doing so.

Open Records Decision

The Courier–Journal (“the Appellant”) submitted a request to the Agency for “[a]ll EMS logs, incident/run reports and related dispatch records originating from or involving the Grayson County Detention Center” between March 1, 2025, and March 1, 2026, and “[a]ll associated 911 audio recordings and Computer Aided Dispatch (CAD) event history for calls for service originating from or involving the detention center for the same period,” to include “date and time of the call, nature of the incident, location, unit(s) dispatched, response and transport times and disposition or outcome.” In response, the Agency provided 17 CAD “Dispatched Event Summary” records with what it described as “mandatory redactions [made] pursuant to KRS 61.878(1)(a), (k), KRS 65.752, and KRS 610.340.”¹ The Agency denied the request for “EMS run reports and patient care records [as] non-public records protected by state and federal law,” but did not cite any applicable provisions of law. Finally, the Agency denied the request for 911 audio recordings “pursuant to KRS 61.872(6) due to the unreasonable administrative burden of reviewing and

¹ Although the Agency’s response referred to an “attached redaction list,” it does not appear that the response email was accompanied by any attachment other than the 17 CAD documents.

technically redacting large audio files” because “the records would not meaningfully add to released information.” This appeal followed.

When a public agency denies a request for a public record, it must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1). Here, the Agency denied the Appellant’s request for “run reports and patient care records” as “records protected by state and federal law,” but did not cite any exception to the Act, or any state or federal law, or explain how it applied. Therefore, the Agency violated KRS 61.880(1).

However, the Office has recognized that the ambulance medical records known as “run report forms” or “patient care records” are exempt from disclosure under KRS 311A.190(5), which is incorporated into the Act by KRS 61.878(1)(l). *See, e.g.*, 26-ORD-070; 17-ORD-004; 15-ORD-168; 12-ORD-039. KRS 311A.190(5) provides as follows:

Ambulance provider, mobile integrated healthcare program and medical first response provider patient care records and the information transmitted electronically to the [Kentucky Board of Emergency Medical Services] shall be confidential and in compliance with HIPAA privacy rules referenced in 45 C.F.R. pt. 164. No person shall make an unauthorized release of information on an ambulance provider, mobile integrated healthcare program, or medical first response provider patient care record. Only the patient or the patient’s parent or legal guardian if the patient is a minor, or the patient’s legal guardian or person with proper power of attorney if the patient is under legal disability as being incompetent or mentally ill, or a court of competent jurisdiction may authorize the release of information on a patient’s care record or the inspection or copying of the patient care record. Any authorization for the release of information or for inspection or copying of a patient care record shall be in writing.

Here, the Appellant does not claim to be the patient or the patient’s legal guardian or representative, nor has the Appellant provided a written authorization for the release of patient care records. Accordingly, the Agency did not violate the Act when it denied the Appellant’s request for “run reports.”

Regarding the Appellant’s request for 911 audio recordings related to the 17 incidents, the Agency claims the request presents an “unreasonable administrative burden.” Under KRS 61.872(6), “[i]f the application places an unreasonable burden in producing public records[,] the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall

be sustained by clear and convincing evidence.” The “clear and convincing evidence” standard is a difficult threshold for an agency to meet, as it “requires the party with the burden of proof to produce evidence substantially more persuasive than a preponderance of evidence, but not beyond a reasonable doubt.” *Fitch v. Burns*, 782 S.W.2d 618, 622 (Ky. 1989). Thus, the trier of fact “must be persuaded that the truth of the contention is ‘highly probable.’” *Id.* (quoting *McCormick on Evidence* § 340(b), at 796 (2d ed. 1972)).

As the courts have noted, “the obvious fact that complying with an open records request will consume both time and manpower is, standing alone, not sufficiently clear and convincing evidence of an unreasonable burden.” *Commonwealth v. Chestnut*, 250 S.W.3d 655, 665 (Ky. 2008). “When determining whether a particular request places an unreasonable burden on an agency, the Office considers the number of records implicated, whether the records are in a physical or electronic format, and whether the records contain exempt material requiring redaction.” 22-ORD-221. Here, the Agency provided no evidence of the number of records implicated, the information contained in the records that would require redaction, or the amount of time the process would consume. Instead, the Agency merely made a vague claim of an “unreasonable administrative burden of reviewing and technically redacting large audio files.” Because the Agency has not shown by clear and convincing evidence that the Appellant’s request presents an unreasonable burden, the Agency violated the Act when it denied the request for 911 recordings under KRS 61.872(6).

Finally, in its initial response, the Agency cited three statutes in support of its redactions to the CAD reports, but it did not state what information was redacted or how each statute applied to specific material in the records. Under KRS 61.880(1), “[a]n agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” This provision “requires the custodian of records to provide particular and detailed information” when denying a request. *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. App. 1996). The agency’s “explanation must be detailed enough to permit [a reviewing] court to assess its claim and the opposing party to challenge it.” *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 81 (Ky. 2013). This requirement is not met when an agency fails to explain what it withheld or redacted under a particular exception. *See, e.g.*, 21-ORD-035; 18-ORD-062; 17-ORD-120. Thus, the Agency’s initial response violated the Act.

On appeal, the Agency provided more information about the redactions. Specifically, the Agency states it “redacted out Nature Code for all the requested because most of them are listed as what the medical condition for the call was for”; “age, sex, symptoms, medical history and any other medically considered logged information”; the “exact address, Latitude and Longitude”; “caller name, address and

phone number”; and the “initials of the dispatchers and the names of the EMT and Medic on the truck.”

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.” In reviewing an agency’s denial of an open records request based on the personal privacy exemption, the courts and the Attorney General balance the public’s right to know what is happening in government against the personal privacy interest at stake in the record. *See Zink v. Commonwealth, Dep’t of Workers’ Claims*, 902 S.W.2d 825, 828 (Ky. App. 1994). However, the Supreme Court of Kentucky has held that certain categories of personal information about private individuals, including personal addresses and phone numbers, provide minimum insight into governmental affairs and may be categorically redacted under KRS 61.878(1)(a). *Ky. New Era*, 415 S.W.3d at 89. Demographic information, such as an individual’s age and sex, has also been recognized as subject to a significant privacy interest when it sheds little light on the agency’s conduct. *See, e.g.*, 16-ORD-094; 15-ORD-100. Additionally, the Attorney General has recognized a privacy interest in the name of a private citizen appearing in public records when it is “largely irrelevant [to] the conduct” of the public agency. 25-ORD-361 (citing 20-ORD-185). Further, the Office “has consistently recognized a significant privacy interest in medical information that outweighs the ordinary public interest in disclosure.” 25-ORD-279. Therefore, the Agency did not violate the Act insofar as it redacted from each document the “Nature Code”; the patient’s age, sex, and other identifiers; symptoms and other medical information; and the name, personal address, and phone number of the caller, under KRS 61.878(1)(a).

The Agency also cited KRS 65.752 as a basis for redactions. Under KRS 65.752(4), “[i]n areas where enhanced 911 service has been implemented, an employee of a PSAP² shall not retrieve or disclose ALI information except in response to a 911 call or for the purpose of maintaining the ALI database, unless ordered by a court of competent jurisdiction.” As defined in KRS 65.750(4), “[a]utomatic location identification’ or ‘ALI’ means a feature by which the location or estimated location of the calling party is made available to a PSAP in accordance with applicable FCC rules and regulations.” Thus, the Agency was prohibited from disclosing automatically-generated location information, including street address, longitude, and latitude. Accordingly, the Agency did not violate the Act when it redacted that information.

The final information redacted by the Agency from each CAD record is the “initials of the dispatchers and the names of the EMT and Medic on the truck.” The

² “Public safety answering point’ or ‘PSAP’ means a communications facility that is assigned the responsibility to receive 911 calls originating in a given area and, as appropriate, to dispatch public safety services or to extend, transfer, or relay 911 calls to appropriate public safety agencies.” KRS 65.750(15).

Agency has not cited any statute specifically authorizing the withholding of this information. However, the Agency cited KRS 610.340 as an additional basis for redactions. Under KRS 610.340(1)(a), “[u]nless a specific provision of [the Unified Juvenile Code] specifies otherwise, all juvenile court records of any nature generated pursuant to [the Unified Juvenile Code] by any agency or instrumentality, public or private, shall be deemed to be confidential and shall not be disclosed except to the child, parent, victims, or other persons authorized to attend a juvenile court hearing pursuant to KRS 610.070 unless ordered by the court for good cause.” Here, it is not clear whether any of the information redacted by the Agency pertains to a juvenile court matter, nor is it clear how KRS 610.340 might apply to information on a CAD dispatch report that identifies the dispatcher, EMT, or medic. Therefore, the Agency has not established a proper basis for redacting that information. Accordingly, the Agency violated the Act when it redacted the initials of the dispatcher and the names of the EMT and medic from the CAD “Dispatched Event Summary” 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.

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Distributed to:

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