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26-ORD-213

May 14, 2026

In re: Tanyqua Oliver-Matheis/Lexington Police Department

Summary: The Lexington Police Department (“the Department”) violated the Open Records Act (“the Act”) when it did not provide a sufficiently detailed explanation of the reason for its delay in providing responsive and nonexempt records under KRS 61.872(5).

Open Records Decision

On Saturday, April 4, 2026, Tanyqua Oliver (“the Appellant”) submitted a request to the Department for copies of “all records of police reports, logs, statements, [and] videos” related to three employees of Rod Hatfield Chevrolet in Lexington, Kentucky, “regarding any calls, emails or communications from Tanyqua Oliver-Matheis on or before 4/3/2026, 4/4/2026 as well as any possible reports within the months of November 2024, December 2024, January 2025.” The Department received the Appellant’s request on the following business day, Monday, April 6, 2026, and timely responded pursuant to KRS 61.880(1) on Monday, April 13, 2026.

Citing KRS 61.872(5), the Department stated it would require additional time in which to provide the records “due to the significant volume of potentially responsive material. Initial searches have identified a large quantity of potentially responsive data that must be systematically processed, organized, and converted into a reviewable format.” The Department further stated that “these records are not immediately available because they are not maintained at a central location or are kept offsite.” Accordingly, the Department “must coordinate the secure retrieval and transfer of these files from multiple sources before they can be reviewed. This logistical coordination is the cause for the delay.” The Department also stated the records “are not otherwise available because they contain information that the agency is statutorily obligated to protect. Under the [Act], the agency must perform a manual, page-by-page review of each record to ensure that all non-exempt information is disclosed while legally required redactions are applied.” The Department maintained it could not complete this “specialized legal review” within five business days. Finally, the Department cited “the broad scope” of the request in

attempting to justify its delay, noting “the responsive materials are not located in a single repository. . . . [The Department] must collect and compile disparate data from various sources and legacy systems to ensure the response is comprehensive. This compilation process is currently underway but requires additional time to finalize.” The Department anticipated the “compilation will be complete and any responsive records ready for production by end of business day on 04/22/2026.”¹ On April 15, 2026, the Appellant initiated this appeal.

Upon receiving notification of this appeal from the Office, the Department reiterated its original justifications for invoking KRS 61.872(5). First, the Department stated that its initial search identified a significant volume of records, which required “more time to process, organize, and convert into a reviewable/produceable format. The expansive volume of the Appellant’s request is evidenced by the use of terms in the original request like ‘all records’ and ‘etc.’ and the number of individuals listed and range of dates requested.”

Next, the Department explained the “accessibility of records” necessitated a brief delay, “as the requested records were not immediately available but stored in various formats and locations. Specifically, an email journaling search was necessary as well as queries of records in at least two different locations.”

Third, the Appellant’s request “was complex as the documents requested may have contained information that the [Department] is obligated to protect, including, for example, certain information from police reports. This specialized review led to delayed response.”²

Finally, the Department relied upon the “expansive scope of the Appellant’s request” to justify its delay. The Department further noted that its original response advised the Appellant that “the compilation process was already underway, and the agency was planning to produce non-exempt responsive documentation, but that additional time was required to finalize the extensive process.” The Department confirmed on appeal that it provided copies of responsive and nonexempt records to the Appellant on or about April 22, 2026.

¹ Because the Appellant initiated this appeal prior to receiving the Department’s final response to her April 4 request, any issues regarding the substance of that response are not currently ripe for review. The Office therefore does not address the merits of the arguments raised therein. KRS 61.880(2)(a).

² There is “nothing wrong with [the Department’s] policy of processing open records requests through its legal department. . . . This policy ensures uniformity and adherence to the law. . . . However, care must be taken that such a policy does not interfere with the timely processing of an open records request.” 18-ORD-179; 15-ORD-174; 12-ORD-128; 11-ORD-029; 10-ORD-151.

Under KRS 61.880(1), a public agency must decide within five business days whether to grant a request or deny it and “notify in writing the person making the request, within the five (5) day period, of its decision.” The public agency is permitted to extend this five-day period for production of the records under KRS 61.872(5), but only if the records are “in active use, in storage or not otherwise available,” *and* the public agency provides “a *detailed* explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection.” KRS 61.872(5) (emphasis added). When determining whether a delay is reasonable, the Office has consistently deemed the number of records implicated, the location of the records, and the content of the records, to be relevant factors to consider. *See, e.g.*, 26-ORD-143; 25-ORD-245; 22-ORD-176; 21-ORD-045; 01-ORD-140; OAG 92-117. “Weighing these factors is a fact-intensive inquiry.” 26-ORD-062; 24-ORD-063; 21-ORD-045.

In light of KRS 61.872(5), the Office has recognized that persons requesting large volumes of records should “expect reasonable delays in records production.” 24-ORD-063; 12-ORD-228. However, a vague statement regarding the “volume” of records that a request implicates does not constitute a “detailed explanation” under KRS 61.872(5). *See, e.g.*, 22-ORD-164; 17-ORD-194. “Whether *any* delay beyond the statutory deadline was warranted turn[s] on the adequacy of the [agency’s] explanation.” 18-ORD-179 (emphasis added); *see also* 16-ORD-153; 14-ORD-226. Further, the redaction process required under KRS 61.878(4) is an “ordinary part of fulfilling an open records request” and, standing alone, is not generally a sufficient reason to delay production of responsive and nonexempt records. Although making extensive redactions *may* be so time-consuming as to render production of the records within five business days unfeasible, particularly if the redactions are mandatory rather than discretionary, the agency must nevertheless provide a detailed explanation of why the stated length of the delay is necessary. KRS 61.880(1); KRS 61.880(2)(c); *see, e.g.*, 24-ORD-063; 22-ORD-66; 21-ORD-045.

Here, the Department’s original response did not provide a sufficiently detailed explanation for why the Appellant’s request could not be completed within five business days; rather, it generally stated the Appellant’s request implicated “a large quantity” of records it needed to “process, organize, and convert into a reviewable/produceable format.” On appeal, the Department again cites the “expansive volume” of the records but only references the broad search terms used in support of its argument, *i.e.*, “all” and “etc.”³ The Department further states the Appellant’s request is “complex” because the records “may have contained information” that it was “obligated to protect,” such as “certain information from

³ This argument seems to imply the Appellant’s request did not “precisely describe” the records per KRS 61.872(3)(b), which the Department ultimately invoked on April 22, 2026. However, the Department did not invoke that provision or elaborate regarding its position initially and, consequently, the Office does not make any finding in that regard.

police reports.” However, the Department still provides no specific information regarding the number of records implicated or ultimately located, the specific nature of their content, or the different formats of the records and the amount of time required to review, convert (if necessary), and redact each of the records. A public agency bears the burden of sustaining its action in an open records appeal. KRS 61.880(2)(c). The Office has previously held that such a response is not sufficiently detailed because “the Act contemplates that all those actions should be completed within five business days for every request, unless KRS 61.872(5) applies.” 25-ORD-076.

The Department further explained that records the Appellant requested were not “immediately available because they are not maintained at a central location or are kept offsite” and, consequently, the Department “must coordinate the secure retrieval and transfer of these files from multiple sources before they can be reviewed.” On appeal, the Department again states the records are “stored in various formats and locations” and, for the first time, mentions that “an email journaling search was necessary as well as queries of records in at least two different locations.” In addition, the Department relied initially and on appeal, upon the necessity of performing “a manual, page-by-page review of each record to ensure that all non-exempt information is disclosed while legally required redactions are applied.” However, the “specialized legal review” the Department relies upon is an existing duty of the Department and not a basis for extending the deadline for production of the records without any reference to potentially applicable statutory exceptions or additional explanation of its corresponding burden.

However, the Department has provided no information here regarding the approximate number of records implicated by the Appellant’s request or the amount of time required to review each individual record or file, nor has the Department referenced any of the statutory exemptions it believes necessitate redacting or withholding any of the records. The Department provided a specific date for production of the records per KRS 61.872(5), the length of the delay was brief (approximately one week), and the Department ultimately provided the Appellant with copies of some responsive and nonexempt records on that date but did not otherwise comply with KRS 61.872(5). The Office agrees that a reasonable delay was likely justified, but cannot find the length of the delay here was reasonable given the lack of relevant information regarding the specific volume or content of the records or the amount of time required to identify, review, and redact each record, or any further context. 26-ORD-062.

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/ Michelle D. Harrison
Michelle D. Harrison
Assistant Attorney General

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Distributed to:

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