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26-ORD-220

May 15, 2026

In re: Ann Ramser/Louisville Metro Government

Summary: The Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) by failing to provide a detailed explanation of the cause for delay in providing responsive and nonexempt records as required under KRS 61.872(5).

Open Records Decision

On March 31, 2026, Ann Ramser (“the Appellant”) submitted a request to Metro for copies of all documentation generated from July 1, 2025, to the present “related to the request from Iroquois Library to purchase card tables with the cost being paid for by the Iroquois Friends of the Library.” The Appellant stated that such documentation should include, but not be limited to, “email correspondence, documents consulted in making the decision to deny the request, notes, evidence of any conversations, evidence indicating the reasoning for the denial, and the research [on] how a decision was made that [Mahjong] could be played on tables already existing at Iroquois Library[,] including any websites consulted.” On April 6, 2026, Metro notified the Appellant that “[t]he public records you seek are in active use, storage, or not otherwise available. The records are not available because [Metro] needs additional time to gather [the records responsive to] your request.” Metro further stated that additional time was necessary because the request necessitated a “search for paper and electronic records” and the records had to be reviewed and redacted. Citing KRS 61.872(5), Metro agreed to provide the Appellant with copies of all responsive and nonexempt records via its online NextRequest system on or before the close of business on April 21, 2026. However, on April 11, 2026, the Appellant replied that Metro was “giving bogus reasons for the delay” and should provide the requested copies by April 14, 2026, or she would initiate an open records appeal. On April 17, 2026, the Appellant initiated this appeal.

Upon receiving the notice of this appeal from the Office, Metro advised that it had provided the Appellant with copies of all responsive records on April 17, 2026,

“well before” the extended deadline of April 21.¹ Metro further asserted the Appellant’s request “was extremely broad and included requests for ‘evidence’ of conversations and reasoning, as well as requests for research and information, not just records kept by [Metro]. The request also encompassed communications over a nine-month period.” Although Metro said it “could have denied portions of [the Appellant’s] request, [it] chose to attempt to accommodate the entire scope of her request, which required a thorough investigation of nine months of correspondence, a review for research conducted about table games in public libraries, reviewing the same for preliminary matters, and finally redacting personal information.”²

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 the length of a delay in records production 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.

Here, Metro stated only that records were “not available” because it needed “additional time to gather” an unspecified volume of records. The only additional justification that Metro provided was the need to “search for paper and electronic records” and the fact that it would have to review and redact any responsive and

¹ Because the Appellant initiated this appeal to challenge Metro’s failure to provide timely access to responsive and nonexempt public records, the agency’s production of the records upon receiving the notice of appeal does not render the procedural issue presented moot under 40 KAR 1:030 § 6. The Office does not address the merits of Metro’s belated argument regarding the specificity of the Appellant’s request, which implicitly relies on KRS 61.872(3)(b), as Metro did not cite that provision or make that argument in the initial response, which is the subject of this appeal.

² Metro did not specify which of the exceptions in KRS 61.878(1) justifies the redaction or withholding of either personal information or “preliminary matters,” but was presumably relying on KRS 61.878(1)(a) and KRS 61.878(1)(i) and (j), respectively. Under KRS 61.880(1), a public agency 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), (2)(c); 26-ORD-108. The agency must “provide particular and detailed information,” not merely a “limited and perfunctory response.” *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996). In other words, “[t]he 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). Neither Metro’s initial response nor its argument on appeal complies with KRS 61.880(1) in this regard.

nonexempt records located. However, 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. 26-ORD-143 (holding that Metro failed to provide a sufficiently detailed explanation of the cause for delay in providing records under KRS 61.872(5) by stating that compliance with a request broad in scope required “a search for paper and electronic records,” “the files [had] to be reviewed and redacted,” “[t]he records contain a mixture of exempt and nonexempt information,” and it had to conduct “an email search”).

In light of KRS 61.872(5), the Office has consistently 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 or the “voluminous” nature of the request, does not constitute a “detailed explanation” under KRS 61.872(5), nor did Metro even reference the approximate volume of records implicated here or attempt to explain the reason it was unable to provide such an estimate. *See, e.g.*, 25-ORD-076; 22-ORD-164; 21-ORD-248; 21-ORD-248; 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. 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. This Metro has not done.

Metro initially complied with KRS 61.880(1) by sending a written response within five business days of receiving the Appellant’s request. However, Metro did not provide a sufficiently detailed explanation of why it could not fulfill the Appellant’s request within those five business days per KRS 61.872(5). Rather, Metro stated generally that complying with the Appellant’s request would require a “search for paper and electronic records” and noted the records had to be reviewed and redacted, both of which are merely existing duties of a public agency such as Metro. “A detailed explanation that neither provides an estimate of the number of records implicated nor explains why such an estimate is impossible tends not to be detailed enough to allow review of the reasonableness of the delay.” 25-ORD-246. Moreover, the Office has previously held that a generic response such as that provided by Metro here 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. Ultimately, the public agency carries the burden of providing that its delay is justified. KRS 61.880(2)(c). Metro did not provide a sufficiently detailed explanation of the cause for its delay in providing the Appellant

with copies of all existing, responsive, and nonexempt records and, therefore, violated the Act.

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
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/s/ Michelle D. Harrison
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Distributed to:

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