



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-243

May 28, 2026

In re: Jacob Levy/Jeffersontown Police Department

Summary: The Jeffersontown Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it withheld a collision report exempted by KRS 189.635(6)(b).

Open Records Decision

Jacob Levy (“Appellant”), on behalf of his client, submitted a request to the Department for records related to a specific motor vehicle accident the Appellant claims involved his client. The Appellant explains that his client was a third victim but was not listed in the police report.¹ Specifically, the Appellant requested “a copy of run # JTN26-3941,” “a copy of the police report,” “all body [and] dash cam footage of all officers involved,” and “any photos taken at the scene.” The Department denied the request under KRS 189.635(6), due to the Appellant’s client “not being listed in the report.” The Appellant initiated this appeal because he was “denied a copy of the police report” and “denied the identity of those involved under” KRS 189.635(6)(a).²

KRS 189.635(4)(a) provides that “[e]very law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a report of the accident with the [D]epartment [of Kentucky State Police (“KSP”)] within ten (10) days after investigation of the accident upon forms supplied by [KSP].” Under KRS 189.635(6)(b), all “accident reports required by [KRS 189.635(4)], and the information contained in the reports, shall be confidential and exempt from public disclosure under [the Act],” except when produced pursuant to a subpoena or court order or provided to certain identified persons. Among those

¹ Specifically, the Appellant claims his “client was taken from the scene of a motor vehicle accident in an ambulance” and that the client’s “car was damaged by the accident.”

² On appeal, the Department states that it has also withheld a CAD report related to the specified accident. That Appellant has not challenged the withholding of that CAD report on appeal.

authorized persons are the “parties to the accident” and the “attorneys of the parties to the accident.” KRS 189.635(6)(c)1., 4.³

Here, the Department’s original response stated that the Appellant’s client was not named in the collision report and that the report is exempt under KRS 189.635(6)(b). The Appellant argues that his client was a party to the accident. The Department disputes that assertion. As support, the Department states that the Appellant’s client was not named in the accident report and provides a statement from an officer who was on the scene, who states that “either the driver or the relative/friend on scene advised [the Appellant’s client] wasn’t involved in the accident, but the accident occurred near her.” As such, there is a factual dispute between the parties.

The Appellant maintains that his client was a party to the accident. The Department disagrees with that assertion. The Office has regularly found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request or a requester received a response to it. *See, e.g.,* 23-ORD-276; *see also Univ. of Ky. v. Hatemi*, 636 S.W.3d 857, 879 (Ky. App. 2021) (stating the Office “[l]ack[s] the authority to adjudicate factual disputes”). Accordingly, the Office cannot find that the Department violated the Act when it did not produce the accident report because the Office cannot find that the Appellant’s client is a person authorized to obtain that report.⁴

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.

³ KRS 189.635(6) is incorporated into the Act by KRS 61.878(1)(l).

⁴ Regarding the Appellant’s complaint that he did not receive the identity of those involved in the accident, the Office notes that the Appellant did not include a request for those individuals’ identities in his request. Moreover, the Act does not require public agencies to answer interrogatories or provide *information*. Rather, it requires public agencies to produce *public records* for inspection. *See* KRS 61.872(2)(a) (a request to inspect records must include, among other things, a description of “the records to be inspected”); *see also* Dep’t of Revenue v. Eifler, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The [Act] does not dictate that public agencies must gather and supply information not regularly kept as part of [their] records.”).

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/s/ Zachary M. Zimmerer
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#251

Distributed to:

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