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26-ORD-258

June 4, 2026

In re: Mart Fiedler/Fort Thomas Independent School District

Summary: The Fort Thomas Independent School District (“the District”) violated the Open Records Act (“the Act”) when it only made available hard copies of records it maintains in an electronic format.

Open Records Decision

On April 27, 2026, Marti Fiedler (“Appellant”) submitted a three-part request to the District seeking three categories of electronic communications. The Appellant specified that she wanted to receive the records in electronic format. In response, the District stated that it possessed 1,287 physical pages of responsive records, which it was making available for inspection at its office with redactions of personally identifiable information. The Appellant responded restating her desire to receive electronic copies of the records and stated that PDF scans of the redacted records would be acceptable. On May 6, 2026, the Appellant initiated this appeal.

On appeal, the District admits that it “was able to retrieve unredacted original versions of these records from its electronic database as part of the original search, those versions were not capable of being produced electronically directly to [the Appellant] due to the personal identifiers contained in them.” The District explains that it “had to convert each page to [PDF] format and print each of these out in order to manually make the redactions of personal identifiers.” According to the District, at this point, the records exist in hard copy format, and the Act does not require it to convert hard copies to electronic copies. *See* KRS 61.874(2)(a) (“Agencies are not required to convert hard copy format records to electronic formats.”). According to the District, because it converted the records into a hard copy format, it is not required to scan them to provide them to the Appellant in electronic format. The District is incorrect.

“Nonexempt public records used for noncommercial purposes shall be available for copying in either standard electronic or standard hard copy format, as designated by the party requesting the records, where the agency currently maintains the records in electronic format.” KRS 61.874(2)(a). The District does not dispute that it possesses electronic copies of the requested records. Rather, it states that it converted those electronic records into hard copies to facilitate their redaction. However, “[s]eparating exempt material is not equivalent to creating a new record and is mandated by KRS 61.878(4).” *Dep’t of Ky. State Police v. Courier Journal*, 601 S.W.3d 501, 507 (Ky. App. 2020). Therefore, the District’s decision to convert the electronic records into hard copies to facilitate redactions does not change the fact that it does maintain the records in electronic format. As such, the District violated the Act when it only made available hard copies of records it maintains in an electronic format.

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.

Russell Coleman
Attorney General

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

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Distributed to:

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