



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-311

July 15, 2026

In re: Anonymous/Montgomery County Sheriff's Office

Summary: The Montgomery County Sheriff's Office ("the Sheriff's Office") violated the Open Records Act ("the Act") when it did not timely respond to a request. The Sheriff's Office did not violate the Act when it denied a request that failed to contain the name of the applicant.

Open Records Decision

On April 27, 2026, under the name "kycitizen.recordsrequest" ("Appellant"), the Appellant submitted two requests to the Sheriff's Office. The first sought all metadata associated with any government-issued phone that placed a call to a specified phone number. The second request sought records related to the search of a phone belonging to an inmate at the Montgomery County Jail. On June 24, 2026, having received no further response from the Sheriff's Office, the Appellant initiated this appeal.

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." Here, on April 27, 2026, the Appellant submitted a request to the Sheriff's Office, and as of June 24, 2026, he or she had yet to receive a response. On appeal, the Sheriff's Office does not claim it timely responded to the requests.¹ As a result, the Sheriff's Office violated the Act.

However, on appeal, the Sheriff's Office asserts that it may deny this request because the requester did not include his or her name on either request. The Sheriff's Office is correct.

¹ Rather, the Sheriff's Office explains that the request was originally submitted to an employee who is not the records custodian. See KRS 61.872(4) ("If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.").

All applications to inspect records must contain the name and signature of the person making the request. KRS 61.872(2)(a) (authorizing the official custodian to require that an application be “signed by the applicant and with his or her name printed legibly on the application”). “[A]n application for records that includes a pseudonym instead of the requester’s real name fails to comply with KRS 61.872(2)(a).” 25-ORD-171; *see, e.g.*, 22-ORD-122 (finding an anonymous request did not comply with KRS 61.872(2)(a)); 21-ORD-115 (same).

Here, the Appellant signed his request as “kycitizen.recordsrequest.” The Appellant does not dispute the Sheriff’s Office’s assertion that this is not his or her real name.² Accordingly, he or she did not comply with the requirement in KRS 61.872(2)(a) that a request include the requester’s name. Thus, the Sheriff’s Office did not violate the Act when it denied the Appellant’s request.³

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

² *See, e.g.*, KRS 365.015(1)(a) (“The real name of an individual shall include his or her surname at birth, or his or her name as changed by a court of competent jurisdiction, or the surname of a married woman.”).

³ On appeal, the Sheriff’s Office also explains that it does not possess the records of the Montgomery County Jail (the “Jail”) and requests for that agency’s records should be submitted directly to it. The Appellant argues that the Sheriff’s Office must send his request to the Jail. This is incorrect. Rather, the Sheriff’s Office has complied with KRS 61.872(4) by informing the Appellant of the agency that may possess the records he seeks.

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Distributed to:

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