COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-ORD-472

October 22, 2026

In re: Steven DeLuca/Louisville Metro Government

Summary: The Louisville Metro Government ("Metro") violated the Open Records Act ("the Act") when it failed to respond to a request within five business days of receiving it.

Open Records Decision

On August 27, 2026, Steven DeLuca ("the Appellant") submitted a request to Metro for five categories of records relating to its police department. On September 9, 2026, having received no response from Metro, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency "shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision." Here, the Appellant submitted a request to Metro but he did not receive a response in five business days. On appeal, Metro does not assert it issued a timely response to the Appellant's request or otherwise dispute the Appellant's claim that it failed to issue a timely response.[1] As a result, Metro violated the Act when it failed to issue a timely response to a request it received under the Act.[2]

---

[1] On appeal, Metro states it has since provided the Appellant with all records responsive to his request.

[2] After Metro issued its response, the Appellant asserted that Metro violated his right under KRS 61.872(3) to in-person inspection of the requested records. But Metro claims it invited the Appellant "to inspect the same records in person." Also, on appeal, the Appellant claims that Metro required him to register for the "NextRequest portal" to received electronic copies of records. In contrast, Metro claims that it did not require the Appellant to register for anything as a prerequisite for making the records available to him. These are factual disputes that the Office cannot resolve. *See, e.g.,* 23-ORD-220 (the Office cannot resolve a factual dispute regarding whether a requester received a public agency's response to a request).

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

#854

Distributed to:

Steven DeLuca
Alice Lyon
Nicole Pang
Natalie S. Johnson
Annale Taylor
Donald Haas
Michael Spenlau
Anne Coorsen