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26-ORD-481

October 29, 2026

In re: Tonya Taylor/City of Shepherdsville

Summary: The City of Shepherdsville ("the City") violated the Open Records Act ("the Act") when it failed to issue a written disposition of a request within five business days of receiving it and when it failed to properly invoke KRS 61.872(5). On appeal, however, the City has provided a sufficient explanation of the volume of records implicated. On that supplemented record, the City's production date is not an excessive extension of time under KRS 61.880(4).

Open Records Decision

On July 14, 2026, Tonya Taylor ("Appellant") submitted two written requests to the City for records. The first request sought a current employee list containing each employee's name, department, and hourly rate or annual salary; a 2025 gross wage report for all employees; invoices and purchase orders exceeding $20,000.00 from April 1, 2025, to July 15, 2026; all invoices for "TRC" from the same period; monthly reports of Police paid time off, vacation, and compensatory time from March 1, 2025, to June 30, 2026; and a redacted list of health-insurance policies by type for January 2026 and July 2026. The second request sought the City ordinance establishing current sewer rates and records documenting the actual sewer rates being charged.

On July 22, 2026, the City responded and apologized for a one-day delay because of the City Clerk's family medical emergency and stated that "[d]ue to the substantial volume of records involved, additional time will be required to locate, review, and prepare all documents in compliance with the [Act]" and that it "will provide the records as soon as they are ready." On August 13, 2026, the Appellant inquired as to the status of her request, and the City stated that the records would

be available "on or before November 30, 2026" and would be produced "on a rolling basis." On August 17, 2026, the Appellant initiated this appeal.[1]

On appeal, the City acknowledged that its July 22 response was untimely and explained that, on July 20, 2026, the City Clerk experienced a medical emergency involving her husband who died shortly afterward. The City states that it must review approximately 15,000 pages to identify and redact material exempt under KRS 61.878, including personal identifiers and protected health information; that only three employees are trained to perform that work, two of whom are also assigned to the annual audit; that it is processing other pending requests, including one requiring review of more than 11,000 emails; and that it has already produced records on another of the Appellant's requests and will continue rolling production through November 30. The City maintains that date is reasonable and that it has not violated the Act.

Upon receiving a request for public records, a public agency must determine within five business days whether to comply with the request or deny it and "shall notify in writing the person making the request, within the five (5) day period, of its decision." KRS 61.880(1). A public agency may extend the deadline for production of the records, but only if the records are "in active use, in storage or not otherwise available" and the 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). Under KRS 61.880(4), a person who believes the intent of the Act is being subverted short of denial, including "delay past the five (5) day period described in" KRS 61.880(1) or "excessive extensions of time" may petition the Office for review.

Here, on July 14, the Appellant submitted two requests to the City and on July 22 the City acknowledged its response was one day late. The City therefore violated the Act under KRS 61.880(1) when it failed to issue its written response within five business days.

Persons requesting large volumes of records may "expect reasonable delays in records production," 12-ORD-228, but the agency must estimate the volume of records implicated or explain why it cannot produce them in five days. 26-ORD-183; 25-ORD-

[1] The record includes a July 22–23 exchange in which counsel provided rate information and an ordinance attachment, and the Appellant asked that the remaining materials be emailed or made available for pickup. The Appellant's appeal relates to the delayed production of the personnel, wage, invoice, leave, and insurance records.

244. An agency that fails to provide that explanation in its initial response may still justify the length of the delay on appeal. 26-ORD-183; 25-ORD-385. In the City's initial July 22 response, its only stated reason for delay was "the substantial volume of records involved" and the need to "locate, review, and prepare" them. That is the work the Act requires an agency to complete within five business days unless subsection (5) applies. 25-ORD-246. A vague reference to volume, unmoored from any description of how many records this particular request actually implicates, where they are kept, or why they cannot be retrieved sooner, is not a "detailed explanation of the cause" for further delay. 25-ORD-256; 25-ORD-008. Thus, the City's initial response failed to adequately invoke KRS 61.872(5).

However, on appeal, the City has supplemented its explanation of why its delay was necessary. The City explains that it must review approximately 15,000 pages for exemptions under KRS 61.878, including personal identifiers and protected health information. Moreover, the City states that it has already produced records sought by another of the Appellant's requests and has committed to rolling production through November 30.[2] The Office has found a six-week delay reasonable to review 5,800 records, 25-ORD-235; an eight-week delay to review more than 10,000 records not inherently unreasonable, 25-ORD-385; and a six-month delay reasonable to review 22,000 emails, 12-ORD-097. Here, the City has estimated that it will require four months to produce 15,000 pages of records and has committed to providing records in rolling batches. As such, the City has demonstrated the good-faith basis of its delay, and so that delay does not violate the Act.

In sum, the City violated KRS 61.880(1) when it failed to issue a written disposition of the July 14 request within five business days. It also violated the Act when it failed to properly invoke KRS 61.872(5) in its July 22 response. But based on the current record, as supplemented, the City has met its burden under KRS 61.880(2)(c) to justify production of the remaining records on or before November 30, 2026.

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

[2] Rolling production of records is consistent with good practice and the Office considers it evidence of a public agency's good faith but does not substitute for the statutory requirements. *See, e.g.,* 24-ORD-249; 21-ORD-045.

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
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Distributed to:

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