COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-483

October 29, 2026

In re: Samantha Jones/Lexington Police Department

Summary: The Lexington Police Department ("the Department") violated the Open Records Act ("the Act") when it denied a request for public records on the basis of residency when the requester stated the manner in which she qualified as a resident of the Commonwealth under KRS 61.870(10).

Open Records Decision

Samantha Jones ("the Appellant") submitted a request to the Department seeking 911 call recordings, body-worn camera footage, interview footage, and police reports related to the arrest of a specific individual. The Appellant's request stated that she is a resident of the Commonwealth because she is an "individual residing in the Commonwealth." Her request also stated that she was acting on behalf of "Midwest Safety." In response, the Department denied the request under KRS 61.872(2)(a) on the grounds that "Midwest Safety" is not a newsgathering organization as defined in KRS 189.635(9)(b)1. The Department also stated that the Appellant's commercial purpose statement "is unauthorized" because it would assist a non-resident of the Commonwealth to obtain public records. This appeal followed.

Under KRS 61.872(2)(a), only a "resident of the Commonwealth [has] the right to inspect public records." When a person requests inspection of records, "[t]he official custodian may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f)." KRS 61.872(2)(a). "Resident of the Commonwealth" is defined in KRS 61.870(10) as follows:

(a) An individual residing in the Commonwealth;
(b) A domestic business entity with a location in the Commonwealth;
(c) A foreign business entity registered with the Secretary of State;
(d) An individual that is employed and works at a location or locations within the Commonwealth;

> (e) An individual or business entity that owns real property within the Commonwealth; [or]
> (f) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection;
> (g) A news-gathering organization as defined in KRS 189.635(9)(b)1. a. to e.

KRS 61.870(10).

On appeal, the Appellant reasserts that she is a "resident of the Commonwealth" under KRS 61.870(10)(a). This alone was sufficient to satisfy the Department's requirement that the Appellant state "the manner in which [she] is a resident of the Commonwealth." KRS 61.872(2)(a). The Department does not dispute this residency statement. Rather, the Department argues that because the Appellant stated that she submitted her "request on behalf of a business entity," she may only obtain the records if that entity qualifies as a resident of the Commonwealth. The Department is incorrect. Rather, "[t]he Act does not disqualify an individual 'resident of the Commonwealth' from submitting a request for public records on behalf of any other person or entity, even if that other person or entity is not a resident of the Commonwealth." 24-ORD-224. Therefore, the Department violated the Act when it denied the Appellant's request.[1]

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

[1] Because the Office finds the Appellant qualifies as a "resident of the Commonwealth" under KRS 61.870(10)(a), it need not resolve the dispute between the parties regarding whether Midwest Safety qualifies as a "resident of the Commonwealth" under KRS 61.870(10)(g).

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Distributed to:

Samantha Jones, Appellant
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Evan P. Thompson, Attorney, Lexington-Fayette
Lawrence Weathers, Lexington Police Department, Chief of Police
Linda Gorton, City of Lexington, Mayor