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26-ORD-494

October 30, 2026

In re: David Wilson/City of Bancroft

Summary: The City of Bancroft ("the City") violated the Open Records Act ("the Act") when it failed to timely respond to a request under the Act.

Open Records Decision

On September 17, 2026, David Wilson ("the Appellant") submitted a request to the City for multiple categories of "records concerning the placement, operation, policies, retention, expenditures and use of the City's ALPR/Flock Safety system." On October 2, 2026, the Appellant initiated this appeal, claiming he had yet to receive a response to his request.

When a public agency receives a request for public records, that agency must decide within five business days "whether to comply with the request" and notify the requester, in writing, "of its decision." KRS 61.880(1). On appeal, the City states that it received the Appellant's request on September 17, 2026, that the Appellant requested the records be provided before October 1, 2026, and that the City therefore treated October 1 as the operative deadline. The City further states that it mistakenly listed October 5, 2026, in its calendar as date chosen by the Appellant and that it issued its response on that date and provided the requested records to the Appellant.[1] The City's production of records on October 5, 2026, does not cure the failure to issue a timely written response within the time required by KRS 61.880(1). Here, it is

[1] On appeal, the Appellant challenges the City's response to his request after the appeal was initiated. The Appellant initiated this appeal based on the City's failure to respond to his request. As a result, the substance of the City's response on appeal is not addressed in the current appeal. *See* KRS 61.880.

undisputed that the City failed to issue a timely response to the Appellant's request. Accordingly, the City violated the Act.[2]

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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Shannon Tuthill
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[2] The City, on appeal, asks for a finding that its late response was cured by good faith supplementation. The eventual issuance of a response does not cure a violation of KRS 61.880.