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26-ORD-496

November 2, 2026

In re: Britany Skinner/Hart County Sheriff's Office

Summary: The Hart County Sheriff's Office ("the Sheriff's Office") violated the Open Records Act ("the Act") when it failed to adequately invoke KRS 61.872(5) to delay access to records and when it failed to cite the exception authorizing its denial. The Sheriff's Office did not violate the Act when it denied a request for records the disclosure of which is prohibited by KRS 189.632(4)(d).

Open Records Decision

On September 3, 2026, Britany Skinner ("Appellant") submitted a request to the Sheriff's Office seeking 12 categories of records related to its use of automated license plate readers. In relevant part, the Appellant identified two vehicles she owns and requested "records of those vehicles captured, stored, processed, searched, or derived from" the Sheriff's Office's "Flock Safety or other" automated license plate reader ("ALPR") system.

The Sheriff's Office acknowledged receipt of the request on September 8, 2026, and stated that it "hope[d] to be able to prepare the documents requested in the next couple of weeks." After the Appellant followed up regarding the status of her request on September 22, 2026, the Sheriff's Office stated that she could pick up the responsive records at its office.

The Sheriff's Office's final response granted the Appellant's request in part and denied it in part. Regarding the Appellant's request for records of her vehicles that were captured by the ALPR system, the Sheriff's Office stated that "[a]ll data and images gathered by ALPR are for the official use of this agency. Because such data may contain confidential information, it may not be subject to public review." This appeal followed.

Under KRS 61.880(1), a public agency has five business days to fulfill or deny a request for public records. This period may be extended if the records are "in active use, in storage or not otherwise available," but the agency must give "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 may petition the Attorney General to review an agency's action if the "person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . delay past the five (5) day period described in [KRS 61.880(1) or] excessive extensions of time."

Here, the Sheriff's Office's initial response did not grant or deny the Appellant's request. Instead, without invoking KRS 61.872(5), the Sheriff's Office stated that it needed a "couple of weeks" to prepare the documents because it was "short-staffed." That response failed to adequately invoke KRS 61.872(5) because it did not identify the earliest date on which the records would be made available and it did not provide a "detailed explanation" for why the Sheriff's Office could not timely provide the requested records. Therefore, the Cabinet subverted the intent of the Act by delay and excessive extensions of time, within the meaning of KRS 61.880(4), when it failed to adequately invoke KRS 61.872(5).

When a public agency denies a request under the Act, it must give "a brief explanation of how the exception applies to the record withheld." KRS 61.880(1). The agency's explanation must "provide particular and detailed information," not merely a "limited and perfunctory response." *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996). "The agency's explanation must be detailed enough to permit [a reviewing] court to assess its claim and the opposing party to challenge it." *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 81 (Ky. 2013). Here, the Sheriff's Office's initial response stated only that it was not providing the ALPR records because they "may contain confidential information." That response fails to identify an exception authorizing it to withhold the records. As such, the Sheriff's Office's initial denial failed to properly deny the Appellant request.

However, on appeal, the Sheriff's Office now cites KRS 189.632(4)(d) to justify its denial of the records. Under KRS 189.632(4)(d), "Captured license plate data obtained for a purpose described under this section . . . Shall not be sold, shared, accessed, or transferred for any other purpose," with five exceptions not relevant in this appeal. "'Captured license plate data' means the vehicle characteristics captured by an ALPR, including the: (1) Global positioning system device coordinates; (2) Date

and time; (3) Photographs of the license plate and vehicle; (4) License plate number; and (5) Vehicle make, model, and color." It is the position of the Sheriff's Office that the requested records are captured license plate data, which it is prohibited from disclosing.

For her part, the Appellant does not dispute that the requested records contain "captured license plate data." Instead, she argues that KRS 189.632(4)(d) "does not repeal the Open Records Act and does not authorize refusal to produce existing captures of my own vehicles to me." However, KRS 189.632(4)(d) is incorporated into the Act by KRS 61.878(1)(l), which exempts from disclosure "records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly." And none of the KRS 189.632(4)(d)'s exceptions to the disclosure prohibition include the provisions of captured license plate data to the owner of the identified vehicles.

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
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Assistant Attorney General

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Distributed to:

Britany Skinner, Appellant
Jeff Wilson, Hart County Sheriff's Office, Sheriff
Justin Baird, Hart County Attorney