



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

20-ORD-135

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In re: Joshua Poe/Louisville Metro Government

Summary: Louisville Metro Government ("Metro") did not violate the Open Records Act ("the Act") by sharing an open records request with a third party.

Open Records Decision

On June 21, 2020, Joshua Poe ("Appellant") requested certain data concerning property code violations, and Metro provided the requested records. Appellant then initiated this appeal, claiming that Metro violated the Act by sharing a copy of his request with one of the entities whose data he had requested.

As an initial matter, this Office only has jurisdiction to review a public agency's denial of an open records request, or its subversion of the Act. KRS 61.880(2); KRS 61.880(4). Appellant has not challenged an agency's denial of his request to inspect records. Instead he objects to the agency's sharing a copy of his request. Accordingly, there is nothing for this Office to review. Nevertheless, this Office notes that the purpose of the Act is to make public records available for public inspection because "free and open examination of public records is in the public interest." KRS 61.871. There is no provision of the Act prohibiting a public agency from sharing an open records request with a third party. *See* 16-ORD-262 (finding that open records requests and responses are public records). The appeal is dismissed for lack of jurisdiction.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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.

Daniel Cameron
Attorney General

/s/ James M. Herrick

James M. Herrick
Assistant Attorney General

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Distributed to:

Mr. Joshua Poe
Ms. Jacinta Scruggs
Alice Lyon, Esq.