



COMMONWEALTH OF KENTUCKY
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21-ORD-097

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In re: Lawrence Trageser/Louisville Metro Government

Summary: Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) as modified by Senate Bill 150 (“SB 150”) when it failed to respond to an open records request within ten days.

Open Records Decision

On March 5, 2021, Lawrence Trageser (“Appellant”) asked Metro for a copy of a specific police officer’s personnel file. Having received no response by April 29, 2021 the Appellant appealed to this Office.

Normally, a public agency must respond to an open records request within three business days. KRS 61.880(1). In response to the public health emergency caused by the Coronavirus, however, the General Assembly modified that requirement when it enacted Senate Bill (“SB 150”), which became law on March 30, 2020. SB 150 provides, notwithstanding the provisions of the Act, that “a public agency shall respond to the request to inspect or receive copies of public records within 10 days of its receipt.” SB 150 § 1(8)(a). Under KRS 446.030, when the period prescribed by statute is seven days or less, weekends and legal holidays are excluded from the computations of time. Therefore, because SB 150 provides ten days to respond, weekends or holidays are not excluded from the computation of time and a response is due within ten calendar days of receipt.

Here, Metro did not issue a response until May 14, more than two months after the request and only after this appeal was launched. Metro admits that its late response violated the Act. But on appeal Metro has

provided the Appellant with all responsive records. Thus, the Appellant's remaining claims are moot.¹

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
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/s/Matthew Ray
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Assistant Attorney General

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Distributed to:

Lawrence Trageser
Alice Lyon

¹ The Appellant objects to Metro's use of an online form to facilitate open records requests because the form requires a requester to answer questions that are not required under KRS 61.872(2)(a). However, Metro does not require the use of this form and will accept emails requesting to inspect records that are sent to its custodian of records at a dedicated email address, openrecords2@louisvilleky.gov. Metro explains that it did not deny the Appellant's request for his failure to use the form, but rather, Metro negligently overlooked his request. And Metro's negligence in failing to respond to the request violated the Act, as previously explained.