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21-ORD-138

August 2, 2021

In re: Glenn Hayden/Graves County School District

Summary: The Graves County School District (“District”) did not violate the Open Records Act (“the Act”) when it did not post certain meeting minutes and agendas on its website.

Open Records Decision

On July 5, 2021, Glenn Hayden (“Appellant”) requested that the District upload “the board meeting agendas and minutes” for a certain period of years to its public website, as it has done for more recent minutes of meetings. The District responded that the requested records were available for the Appellant’s inspection during its regular business hours. This appeal followed.

Under KRS 61.872(2)(a), “[a]ny resident of the Commonwealth shall have the right to inspect public records.” The District has made the requested minutes available to the Appellant. However, the Appellant complains that the minutes are not posted on the District’s website. Under KRS 61.874(6), “[o]nline access to public records in electronic form . . . may be provided and made available at the discretion of the public agency.” There is no provision of the Act that requires a public agency to post records on a website.¹ Therefore, the District did not violate the Act.

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.

¹ Similarly, the Open Meetings Act requires meeting minutes to “be open to public inspection at reasonable times no later than immediately following the next meeting of the body,” KRS 61.835, but includes no requirement that the minutes be posted on a website. See 21-OMD-086 n.3.

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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

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Assistant Attorney General

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Distributed to:

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