



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-161

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In re: Melissa Barlow/Bourbon County Sheriff's Office

Summary: The Bourbon County Sheriff's Office ("Sheriff's Office") violated the Open Records Act ("the Act") when it failed to issue a written response to a request for records.

Open Records Decision

On July 2, 2021, Melissa Barlow ("Appellant") made a request to the Sheriff's Office, seeking copies of all records "pertaining to the pit type dog named Coco, who was seized recently." In response, the Sheriff's Office produced an incident report, unaccompanied by any written response notifying the Appellant whether it was complying with or denying her request. The Appellant, believing that the incident report contained redactions, asked the Sheriff's Office to release the name of the dog's owner. After receiving no reply, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency must, within five business days, "determine . . . whether to comply with the request and [to] notify in writing the person making the request, within the five (5) day period, of its decision." This written response must contain "a brief explanation" if the agency makes any redactions. *See id.* Here, the Sheriff's Office merely provided a document with no written explanation of whether the request for records was granted or partially denied. Thus, the Sheriff's Office violated the Act. *See, e.g.,* 21-ORD-090 (finding that a public agency violated the Act when it failed to issue a written response accompanying its partial production of records).

On appeal, the Sheriff's Office explains that the incident report it provided to the Appellant was not redacted. Accordingly, this Office finds that

the Sheriff's Office complied with the Act to the extent that it provided the responsive records in their entirety.

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

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Distributed to:

Ms. Melissa Barlow
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