



COMMONWEALTH OF KENTUCKY
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22-ORD-172

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In re: Shannon Greer/Oldham County Central Dispatch

Summary: The Oldham County Central Dispatch (“Central Dispatch”) violated the Open Records Act (“the Act”) when it did not post prominently on its website its rules and regulations regarding requests under the Act. The Central Dispatch’s redaction of a name from responsive records has been rendered moot.

Open Records Decision

On June 8, 2022, Shannon Greer (“Appellant”) submitted a request to Central Dispatch for information and records related to an incident that she experienced on a specific date. The Appellant also gave “notice” to Central Dispatch that it was in violation of KRS 61.876(2) for failing to display prominently on its website its rules and regulations for submitting requests under the Act. She asked Central Dispatch to come into compliance with KRS 61.876(2). Central Dispatch responded to the Appellant on June 10, 2022, granting some subparts of the Appellant’s request, denying other subparts,¹ and providing some of the requested information and five pages of responsive records. Specifically, Central Dispatch redacted the name of the first responder that answered the 911 call related to the incident the Appellant

¹ The Central Dispatch denied one subpart because a record responsive to that subpart does not exist within its possession. The Central Dispatch denied another subpart because it was a request for information. The Appellant does not appeal any of the Central Dispatch’s other denials of other subparts of her request.

experienced. However, Central Dispatch did not respond to Appellant's complaint that its rules and regulations were not posted to its website. This appeal followed.²

On appeal, Central Dispatch abandons its redaction and denial of the first responder's name and provides that information to the Appellant. Under 40 KAR 1:030 § 6, "[i]f the requested documents are made available to the complaining party after a complaint is made, the Attorney General shall decline to issue a decision in the matter." Accordingly, the portion of the appeal related to the redaction of the name of the first responder is now moot. The only remaining issue on appeal is Central Dispatch's failure to respond to the Appellant's complaint that it had not posted its rules and regulations for submitting requests to its website.

A public agency must prominently display a copy of its rules and regulations relating to the Act and the contact information of the official custodian of records to which requests under the Act should be directed, "including on its Web site." *See* KRS 61.876(2)(a) and (b). Here Central Dispatch does not dispute that it did not post its rules and regulations related to the Act or its official records custodian's contact information on its website prior to the Appellant's complaint.³ Thus, Central Dispatch violated the Act when it failed to display its rules and regulations on its website. *See, e.g.*, 15-ORD-198 (finding an agency subverted the Act when it failed to respond to a complaint that its rules and regulations were not prominently displayed and when it indeed had failed to prominently display its rules and regulations).

A party aggrieved by this decision may appeal it by initiating 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.

² The Office notes that on June 17, the Appellant responded to an email from the Oldham County Detention Center ("Detention Center") that contained the Detention Center's response to a separate request to inspect records. In response to the Detention Center, the Appellant stated she was "CC'ing" this Office, but she did not ask for this Office's review of the Detention Center's response. If the Appellant intended to seek this Office's review of the Detention Center's response to a separate open records request, she may initiate that appeal by submitting to the Office a copy of her original request and the agency's response thereto. KRS 61.880(2)(a).

³ On appeal, the Central Dispatch indicates it will update its website to include this information.

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Attorney General

s/Matthew Ray
Matthew Ray
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Distributed to:

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