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24-ORD-272

December 23, 2024

In re: Alex Rib/City of Anchorage

Summary: The City of Anchorage (“the City”) violated the Open Records Act (“the Act”) when it made redactions to a public record without citing an applicable exception to the Act and explaining how it applied to the record in question. The City also violated the Act when it failed to display the email address and phone number of its records custodian on its website as required by KRS 61.876(2)(b); however, the City subsequently corrected this violation.

Open Records Decision

On October 4, 2024, Alex Rib (“the Appellant”) requested an electronic copy of the City’s “current vehicle fleet inventory.” In response, the City refused to provide the record in electronic format. This appeal followed.

In response to this appeal, the City submitted an electronic copy of the requested record. However, without explanation, the City redacted the fields showing the vehicle plate numbers and the officers to whom they were assigned. A public agency that denies inspection of a public record, in whole or in part, must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1). Here, the City has cited no exception to the Act and given no explanation for why it redacted portions of the vehicle inventory. Thus, the City violated the Act when it redacted the requested record.

The Appellant raises an additional issue on appeal. He claims the Department has violated KRS 61.876(2), which requires “[e]ach public agency” to display certain information “in a prominent location accessible to the public, including on its Web site.” That information includes “[t]he mailing address, *e-mail address*, and *phone number* of the official custodian of the records or his or her designee to which all requests for public records shall be made.” KRS 61.876(2)(b) (emphasis added). In support of this claim, the Appellant provides printouts from the City’s website dated

October 7, 2024. On the page titled “Taxes & Public Information,” the City provided certain links “to request information and public documents of the City of Anchorage.”¹ The first link navigated to a page titled “Notice of Administrative Regulations Governing Inspection of the Public Records of the City of Anchorage/Anchorage City Hall,” dated June 29, 2021. This notice contained the street address of the official custodian of records, but no email address or telephone number. The other links navigated to two open records request forms, neither of which contained the email address or telephone number of the records custodian.² The Office notes the City has subsequently corrected this defect, as the required information now appears prominently on the “Taxes & Public Information” page. However, the City initially violated the Act when its website failed to display the contact information required by KRS 61.876(2)(b). *See, e.g.*, 23-ORD-315.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. 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. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

Mr. Alex Rib
John T. McGarvey, Esq.
Renee M. Major, Clerk
Hon. Neil Ramsey

¹ *See* https://www.cityofanchorage.org/community/taxes___public_information.php (last accessed December 23, 2024).

² Upon receipt of this appeal, the Office confirmed that the Appellant’s documents accurately presented the contents of the City’s website as of October 8, 2024.