



COMMONWEALTH OF KENTUCKY
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25-ORD-104

April 15, 2025

In re: Nycea Elder/Administrative Office of the Courts

Summary: The Open Records Act (“the Act”) does not apply to records of the Administrative Office of the Courts (“AOC”).

Open Records Decision

On February 25, 2025, Nycea Elder (“the Appellant”), a former AOC employee, requested a recording of a meeting involving her that occurred on February 20, 2025. On March 7, 2025, AOC denied the request under Section 4(1)(c)(iv) of the AOC Open Records Policy.¹ The Appellant then initiated this appeal to the Attorney General.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, AOC, as an agency of the Kentucky Court of Justice, is not subject to the Act. *See, e.g.*, 22-ORD-105; 98-ORD-6. Under Section 7(1) of the AOC Open Records Policy, a “request for reconsideration of a decision denying public access to administrative records may be made to the Chief Justice of Kentucky,” not to the Attorney General.² Accordingly, the Office dismisses this appeal.

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.

¹ The AOC Open Records Policy can be found at <https://www.kycourts.gov/Courts/Supreme-Court/Supreme%20Court%20Orders/201709.pdf> (last accessed April 11, 2025).

² The record on appeal indicates the Appellant has in fact followed that procedure by submitting a request for reconsideration to the Chief Justice, in addition to pursuing this appeal.

Russell Coleman
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/s/ James M. Herrick
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