

Supreme Court of Kentucky

2026-37

**IN RE: ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE,
PART XVII, OPEN RECORDS POLICY OF THE
ADMINISTRATIVE OFFICE OF THE COURTS**

Pursuant to Sections 110(5)(b) and 116 of the Constitution of Kentucky, Part XXII of the Administrative Procedures of the Court of Justice, and KRS 26A.200, it is ORDERED that Part XVII of the Administrative Procedures of the Court of Justice, Open Records Policy of the Administrative Office of the Courts, adopted by Supreme Court Administrative Order 2017-09 be deleted in its entirety and replaced as follows:

Section 1. Statement of Purpose

This administrative procedure constitutes the Open Records Policy of the Administrative Office of the Courts (AOC) and governs access by the public to the administrative records of the AOC.

Section 2. Definitions

For purposes of this administrative procedure, unless the context or subject matter otherwise requires:

- (1) “Access” means the ability to view and/or receive physical copies or digital images of records.
- (2) “Administrative record” means documents, papers, discs, recordings, or other documentation, regardless of physical form or characteristics, created, received, or maintained by the AOC pertaining to the administration of the Court of Justice and not associated with any particular court case or cases. “Administrative record” does not include case records or compiled information.
- (3) “AOC” means the Administrative Office of the Courts. This definition does not include the Supreme Court, Court of Appeals, Circuit Court, District Court, the Kentucky Office of Bar Admissions, the Judicial Conduct Commission, the Judicial Ethics Commission, or the Kentucky Bar Association and any of its affiliated entities.
- (4) “Commercial purpose” means the direct or indirect use of any part of an administrative record or records, in any form, for sale, resale,

solicitation, rent or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. It does not include the publication or related use by a media outlet engaged in journalism in dissemination of information on issues of public interest or the use by a party or counsel for a party in connection with any litigation.

- (5) “Case Record” means documents, papers, discs, recordings, or other documentation created, received, or maintained by a court, court agency, or court clerk in connection with a particular court case or cases.
- (6) “Compiled information” means information that is derived from the selection, aggregation, or re-formation of some or all or a subset of all the data. Access to compiled information is governed by AOC policy and procedure. Requests for compiled information may be made to the Division of Research and Statistics and on the Court of Justice website at www.kycourts.gov.
- (7) “Court of Justice” means the Kentucky Court of Justice as defined in Section 109 of the Kentucky Constitution.
- (8) “Court” means the Kentucky Supreme Court, Court of Appeals, Circuit Court, Family Court, and District Court.
- (9) “Custodian” means the Director of AOC or designee.
- (10) “Data” means information within the custody of the AOC, regardless of format or medium, that is created, stored, processed, transmitted, or accessed within a KCOJ system or infrastructure.
- (11) “Terrorist act” means a criminal act intended to:
 - (a) Intimidate or coerce a government entity or all or part of the civilian population;
 - (b) Disrupt a system identified in Section 4(1)(f); or
 - (c) Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a government entity.

Section 3. AOC Retention Schedule

The retention of records of the AOC shall be governed by the AOC Records Retention Schedule available on the Kentucky Court of Justice website at www.kycourts.gov.

Section 4. General Public Access to Administrative Records of the AOC

- (1) Administrative records are open for public access except for the following:
 - (a) Administrative records or the information contained therein to which public access is prohibited by federal law or regulation;
 - (b) Administrative records or the information contained therein to which public access is prohibited or restricted or otherwise made confidential by Kentucky law or court order;
 - (c) Administrative records or the information contained therein which constitute the following:
 - (i) Preliminary and draft reports, documents, records, evaluations, investigations, and audits or compliance reviews, including materials prepared by a consultant;
 - (ii) Advisory opinions, recommendations, notes, drafts, work product, and deliberations relied upon to make decisions, take official actions, or formulate policy and procedure;
 - (iii) Notes, outlines, memoranda, and similar preliminary materials;
 - (iv) Any correspondence transmitted by any means, including electronic, that is not a formal declaration of policy or procedures, or is not intended to give notice of a final official action, or is not a formal record of a transaction or a receipt;
 - (v) The work product of any attorney employed by or representing the Court of Justice generated in the regular course of business or representation of the Court of Justice;
 - (d) Legal research and analysis;
 - (e) Administrative records or the information contained therein that is of a personal nature and to which public access would constitute a clearly unwarranted invasion of personal privacy;
 - (f) Administrative records or the information contained therein to which public access would have a reasonable likelihood of threatening the public safety by exposing vulnerability in

preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

- (i) Criticality lists resulting from consequence assessments;
- (ii) Vulnerability assessments;
- (iii) Antiterrorism protective measures and plans;
- (iv) Counterterrorism measures and plans;
- (v) Security and response needs assessments;
- (vi) Infrastructure records that expose a vulnerability referred to in this paragraph by providing access to the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;
- (g) Administrative records or the information contained therein, including but not limited to detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a government entity to which public access would expose a vulnerability referred to in paragraph (f) of this subsection;
- (h) Administrative Records or the information contained therein which describe the exact physical location of hazardous chemical, radiological, or biological materials and to which public access would expose a vulnerability referred to in paragraph (f) of this subsection;
- (i) Test questions, scoring keys, and other examination data used in administering examinations for employment or elected office;
- (j) Test scores of a person if the person is identified by name and has not consented to the release of his or her scores;
- (k) With respect to the Circuit Court Clerk's examination administered pursuant to Section 100 of the Kentucky Constitution and SCR 1.060, names of examination registrants, names of unsuccessful examinees, examination scores, examination questions, scoring

keys, and any materials used in the development and preparation of the examination;

- (l) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for the Court of Justice or other government entity relative to acquisition of property, until such time as all of the property has been acquired;
- (m) Any administrative records or the information contained therein to which public access is prohibited by the Personnel Policies for the Kentucky Court of Justice (Administrative Procedures of the Court of Justice Part III);
- (n) Administrative records or the information contained therein protected by attorney/client privilege;
- (o) Email addresses of justices, judges, and their staff;
- (p) Administrative records or the information contained therein including, but not limited to, security plans or security recordings, to which public access could jeopardize the safety of judges, court staff, jurors, or the public, or could jeopardize the integrity of the court's facilities, records, or the court's administration of justice and its operations;
- (q) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal;
- (r) Administrative records or the information contained therein, including, but not limited to, file addresses, passwords, access codes, user identifications, or internal guidance detailing system access, use, or design, to which public access would jeopardize a record-keeping or security system;
- (s) Computer software, programs, codes, or filing systems developed, owned, or licensed by or entrusted to the AOC, and any user guides, training materials, or related documentation associated with any such software, program, code, or system;
- (t) Lists of employees of the Court of Justice, if requested for a commercial purpose;
- (u) Administrative records or the information contained therein confidentially disclosed to the AOC or required by the AOC to be disclosed to it, generally recognized as confidential or proprietary,

which if publicly accessible would permit an unfair commercial advantage to competitors of the entity that disclosed the records; and

- (v) Administrative records or the information contained therein, which relates to the competitive bidding process, including bids, proposals, and evaluation scoring documents, prior to execution of a contract.
- (2) Personal identifying information, including but not limited to, social security numbers, driver's license numbers, dates of birth, home addresses, personal email addresses, personal phone numbers, passwords, and financial account numbers, should be redacted from administrative records prior to complying with a request for public access.
- (3) Unless doing so would be unreasonably burdensome, when an administrative record contains information that is exempt from public access, the exempt information must be redacted. If all the information contained in an administrative record is exempt, then public access is not required.

Section 5. Denial of Public Access for Cause.

The custodian may deny access to an administrative record if access would place an unreasonable burden in producing administrative records or otherwise disrupt or compromise the business of the courts, or when the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Court of Justice and is supported by clear and convincing evidence.

Section 6. Procedure for Public Access to Administrative Records

- (1) All requests for public access to administrative records must be made by a person in writing, provide his or her first and last name printed or typed legibly on the request, must specifically describe the administrative record(s) to be accessed, and must be signed or submitted by the person requesting access. The request must be hand-delivered, mailed, emailed, or delivered via other means approved by the AOC to the custodian of the records. The AOC may develop and make available a form for requests for public access to administrative records.
- (2) If a specific administrative record cannot be located due to lack of adequate identifiers, the requestor must be advised by the custodian as to what identifiers are needed.

- (3) If the custodian does not have custody or control of the record(s) requested, he or she will notify the requestor and furnish the name and location of the person or agency having custody of the records, if known. The response time will not begin to run until the custodian of records receives the written inspection request.
- (4) Within five days, excepting Saturdays, Sundays, and legal holidays, of receiving a request for public access to administrative records under this Open Records Policy, the custodian must determine whether to comply with the request and must notify in writing the person making the request, within the five-day period, of his or her decision.
- (5) A response complying with the request for administrative records will include options for obtaining access and an estimate of any copy or mailing fee.
 - (a) Paper or electronic copies of administrative records may be delivered through a mail or package carrier, email, or in person.
 - (i) The AOC may charge a reasonable fee for making paper or electronic copies of administrative records, which should represent the actual cost of reproduction incurred by the AOC, not including the cost of staff required.
 - (ii) The AOC may charge a fee for the actual cost of delivering the copies of administrative records.
 - (iii) If the custodian believes copying an administrative record presents a risk to the integrity of the record, the custodian may require the person making the request inspect the administrative record in person.
 - (b) Inspection of administrative records may be provided in the presence of an AOC employee upon providing photo identification.
- (6) If the administrative record is in active use, in storage, or not otherwise available, the custodian must immediately notify the person making the request of the earliest date on which the administrative record will be available for public access.
- (7) The custodian is not required to compile information or create a list or an administrative record in response to a request for public access to administrative records under this Open Records Policy.

- (8) The custodian is not required to answer any questions or otherwise respond to any requests for guidance, research or to authenticate the contents of a particular document under this Open Records Policy.

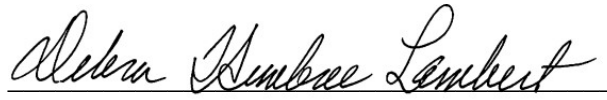
Section 7. Reconsideration of Denial of Public Access to Administrative Records

- (1) A request for reconsideration of a decision denying public access to administrative records may be made to the Chief Justice of Kentucky, in the form of a detailed letter, within 30 days of the date of the decision.
- (2) If the Chief Justice sustains the decision denying public access, a final request for reconsideration may be made to the full Supreme Court, in the form of a letter, within 10 days from the date of the Chief Justice's decision.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 15th day of October 2026.

All sitting; all concur.


CHIEF JUSTICE