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(b) (6) Privacy

September 21, 2016

In re: (b) (6) Privacy / Energy and Environment Cabinet

Summary: The Energy and Environment Cabinet violated the Open Records Act in withholding internal emails and parts of emails as preliminary and attorney-client privileged.

Open Records Decision

The questions presented in this appeal are whether the Energy and Environment Cabinet ("EEC") violated the Open Records Act in withholding internal emails and parts of emails as preliminary and attorney-client privileged. We find that EEC violated the Open Records Act in withholding internal emails and parts of emails as preliminary and attorney-client privileged.

Background

(b) (6) Privacy submitted an open records request to EEC by email on June 24, 2016. (b) (6) Privacy request stated:

> A prior open records request for any and all documents or emails related to an ADA complaint (including from David Shivel, the woman who was with him on the investigation to (b) (6) Privacy Barbourville who was not identified to me at the visit and documents of Sherry Butler) and ADA report issued by Nina Hockensmith still have not been received.