



COMMONWEALTH OF KENTUCKY  
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**21-ORD-017**

February 3, 2021

In re: Jenny Patten/Cabinet for Health and Family Services

**Summary:** The Cabinet for Health and Family Services (“Cabinet”) did not violate the Open Records Act (“the Act”) when it denied a request for information that did not sufficiently describe the public records sought.

***Open Records Decision***

On December 10, 2020, Jenny Patten (“Appellant”) asked the Cabinet to provide “[t]he cycle virus threshold for a positive Covid19 [*sic*] test, including all data, records, emails regarding this testing,” and “[a]ll information regarding the CT value for all PCR tests, being used for testing in the state of Kentucky.” The Cabinet timely denied the request, partly because it sought information and partly because the request was too vague. This appeal followed.

The Act does not require public agencies to answer every question or provide information. Rather, the Act requires a public agency to make public records available for inspection. KRS 61.872; *Dept. of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The ORA does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”). Here, the Appellant asked the Cabinet to provide “[t]he cycle virus threshold for a positive Covid19 [*sic*] test.” That is a request for information. Under the Act, the Cabinet had no duty to provide such information.

The Appellant also asked the Cabinet to provide “data, records, [and] emails” related to the “cycle virus threshold for a positive Covid19 [sic] test.” Under the Act, however, a request to inspect public records must describe those records in a manner “adequate for a reasonable person to ascertain the nature and scope of [the] request.” *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). If the request is for copies of public records, it must “precisely describe[ ] the public records which are readily available within the public agency.” KRS 61.872(3)(b). The Appellant’s request does not meet either standard. A request for all records “regarding [COVID-19] testing” is an “open-ended any-and-all-records-that-relate type of request,” which does not precisely describe the records sought. *See, e.g.*, 08-ORD-058. This Office has consistently stated that “blanket requests for information on a particular subject need not be honored.” *See, e.g.*, OAG 90-83; 95-ORD-108; 13-ORD-077. Thus, the Cabinet did not violate the Act when it denied the request.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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.

Daniel Cameron  
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/s/ James M. Herrick

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Distributed to:

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