



COMMONWEALTH OF KENTUCKY  
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**22-ORD-015**

January 19, 2022

In re: Malcolm Dickerson/Cabinet for Health and Family Services

**Summary:** The Cabinet for Health and Family Services (“the Cabinet”) did not violate the Open records Act (“the Act”) when it did not provide a copy of a statute or regulation in response to a request.

***Open Records Decision***

Malcolm Dickerson (“Appellant”) requested a copy of “any judgments” and “associated documents” related to his child support payments. He also sought an index or glossary “relating to the administrative regulations adopted by” the Cabinet regarding collecting child support and instituting wage garnishment actions. In a timely response, the Cabinet provided the Appellant a complete copy of his child support case file. Instead of providing the requested index of regulations, however, the Cabinet directed the Appellant to the Legislative Research Commission’s website. This appeal followed.

The purpose of the Act “is that free and open examination of public records is in the public interest and the exceptions provided for by KRS 61.878 or otherwise provided by law shall be strictly construed.” KRS 61.871. Although the Act provides for the public inspection of public records, it does not require a public agency to “gather and supply information not regularly kept as part of its records.” *Dept. of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013). This Office has long held that public agencies are “not obligated to conduct research by locating relevant statutes and regulations pertaining to the subject of” a request. 00-ORD-130.

Here, the Cabinet provided the Appellant all responsive records in its possession. In lieu of providing a copy of any particular statute or

administrative regulation, as requested, the Cabinet directed the Appellant to the Legislative Research Commission's website, where the Cabinet's administrative regulations are published. The Act does not require the Cabinet to research and determine which statute or administrative regulation authorizes it to take action in connection with the Appellant's case. Accordingly, the Cabinet did not violate the Act.

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 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 accepts notice of the complaint through e-mail to OAGAppeals@ky.gov.

**Daniel Cameron**  
**Attorney General**

/s/Marc Manley  
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Assistant Attorney General

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Distributed to:

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