



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON  
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118  
700 CAPITAL AVENUE  
FRANKFORT, KENTUCKY 40601  
(502) 696-5300  
FAX: (502) 564-2894

**23-ORD-071**

March 28, 2023

In re: Uriah Pasha/Kentucky State Police

**Summary:** The Office cannot find that the Kentucky State Police (“KSP”) violated the Open Records Act (“the Act”) when it did not respond to a request that it did not receive.

***Open Records Decision***

Inmate Uriah Pasha (“Appellant”) claims to have submitted a request to KSP on February 2, 2023, for records related to two criminal cases involving two KSP officers. On February 20, 2023, the Appellant initiated this appeal having received no response from KSP.

On appeal, KSP claims it did not respond to the Appellant’s request because it did not receive it. KSP states it searched its records of open records request received at its headquarters, but could not find any record of receiving the Appellant’s request.<sup>1</sup> Upon receipt of the notice of appeal, KSP provided 12 pages of records responsive to the Appellant’s request. However, it redacted some personal identifying information under KRS 61.878(1)(a).<sup>2</sup>

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<sup>1</sup> Specifically, the KSP states there is no entry for the Appellant’s request in its master spreadsheet that it uses to track all records requests it receives.

<sup>2</sup> Under KRS 61.878(1)(a), “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy” are exempted from inspection. The Kentucky Supreme Court has held that certain categories of information about private individuals that provides minimal insight into governmental affairs may be categorically redacted under KRS 61.878(1)(a). *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 89 (Ky. 2013). The redactions here appear to be dates of birth and addresses of private individuals. The Appellant has not challenged these redactions.

Upon receiving request to inspect records, a public agency must decide within five business days whether to grant the request or deny it. KRS 61.880(1). But here, KSP claims it never received the request, and thus, the statutory period to respond did not begin until it received a copy of the request with notice of this appeal. The Office has consistently found it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request to inspect records. *See, e.g.*, 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. As a result, this Office is unable to resolve this factual dispute or find that KSP violated the Act.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under 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](mailto:OAGAppeals@ky.gov).

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

s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

Uriah Pasha #092028  
Michelle Harrison  
Stephanie Dawson  
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