



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-218**

August 16, 2023

In re: Sarah Teague/Kentucky State Police

**Summary:** The Kentucky State Police (“KSP”) violated the Open Records Act (“the Act”) when it failed to respond to a request for copies of public records within five business days of receiving it. However, the Office cannot resolve the factual dispute of whether all responsive records have since been provided, and it cannot adjudicate ancillary questions of law in an appeal brought under the Act.

***Open Records Decision***

On May 25, 2023, Sarah Teague (“the Appellant”) emailed a request to KSP for “any [and] all records in [the] KSP-41 file” for her daughter’s case. Having received no response, the Appellant emailed her request to KSP again on June 17, 2023. Then, on June 30, 2023, she sent another email to KSP “rephrasing the request and adding to it” because KSP “never responded.” On July 12, 2023, KSP responded to the Appellant’s June 30 request, noting it had been received on July 3. In its response, KSP stated it had previously given the Appellant all responsive records, but provided the records again. This appeal followed.

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” Here, the Appellant claims KSP did not respond to her requests of May 25 or June 17, 2023. KSP does not dispute this claim. Moreover, although KSP received the Appellant’s third request on July 3, it did not respond until July 12, or six business days later. Accordingly, KSP violated the Act.

On appeal, the Appellant claims KSP has not provided all responsive records. She also makes various allegations about the way KSP investigated her daughter's disappearance in 1995. In response, KSP claims to have provided all responsive records in the case file "multiple times" and insists no additional records exist.<sup>1</sup> The Office has routinely stated that it cannot resolve factual disputes between a requester and an agency about whether all records responsive to a request have been provided. *See, e.g.*, 23-ORD-171 (involving these same parties but involving a different request); 22-ORD-261; 22-ORD-010; 19-ORD-083; 16-ORD-091; OAG 89-81. Furthermore, the Office cannot adjudicate questions unrelated to the Act in an appeal brought under KRS 61.880(1), such as whether KSP's investigation was proper or complete. *See, e.g.*, 23-ORD-166 n. 2; 23-ORD-048 n.1; 22-ORD-244 n.3. Thus, other than its failure to respond timely to the Appellant's requests, the Office cannot find that KSP violated the Act.

A party aggrieved by this decision may appeal it by initiating an 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/ Marc Manley  
Marc Manley  
Assistant Attorney General

#319

Distributed to:

Sarah Teague  
Michelle Harrison  
Stephanie Dawson

---

<sup>1</sup> KSP also cites a line of decisions dating back to 1995 standing for the proposition that an agency is not required to respond to duplicative requests. The Office recently called into question that line of decisions in 23-ORD-180. However, because KSP did not deny the Appellant's request on this basis, and instead provided responsive records to her again, the Office declines to address this issue further.