



COMMONWEALTH OF KENTUCKY  
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**23-ORD-235**

September 5, 2023

In re: Richard D. Jones/Kentucky State Police

**Summary:** The Kentucky State Police (“KSP”) violated the Open Records Act (“the Act”) when it failed to respond to a request within five days of receiving that request.

***Open Records Decision***

Between July 27 and July 28, 2023, Richard D. Jones (“Appellant”) submitted three requests to inspect records to KSP. On August 10, having received no response from KSP, the Appellant initiated this appeal.

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 he submitted a request to KSP on July 28, 2023, and that it did not respond to his request.

On appeal, KSP states that it received the Appellant’s three requests on July 28, 2023. However, it did not notify the Appellant in writing whether it intended to deny or comply with his requests until August 18, 2023.<sup>1</sup> Therefore, KSP violated the Act when it failed to respond to the Appellant’s requests within five business days of receiving them.

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<sup>1</sup> On appeal, KSP states it has provided all records responsive to the Appellant’s requests except for a few emails that “relate to an ‘ongoing . . . administrative investigation,’” which KSP withheld under KRS 61.878(1)(i) and (j). The Appellant has not challenged KSP’s decision to withhold those emails.

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/ Matthew Ray  
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Assistant Attorney General

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Distributed to:

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