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24-ORD-046

February 26, 2024

In re: James Harrison/Kentucky Department of Libraries and Archives

**Summary:** The Kentucky Department of Libraries and Archives (the “Department”) did not violate the Open Records Act (“the Act”) when it fulfilled a request for records within five business days of receipt.

***Open Records Decision***

On January 12, 2024, inmate James Harrison (“Appellant”) submitted a request to the Department for a copy of the “rules and regulations available to all officials affected by KRS 171.410 to 171.740” unless the copies would be “voluminous,” in which case he sought a copy of any “index and/or glossary.” On January 29, 2024, having received no response from the Department, the Appellant initiated this appeal.

Upon receiving a request for records under the Act, a public agency “shall determine within five (5) days, excepting Saturdays, Sundays, and legal holidays, *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.” KRS 61.880(1) (emphasis added).

On appeal, the Department states it did not receive the Appellant’s request until January 23, 2024. As such, its deadline to respond to the Appellant’s request was January 30, 2024.<sup>1</sup> The Department provides proof it issued its response on January 30 and provided the Appellant with 255 pages of responsive records.<sup>2</sup> As a

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<sup>1</sup> Under KRS 446.030(a), “[i]n computing any period of time prescribed . . . by any applicable statute or regulation, the day of the act, event or default after which the designated period of time begins to run is not to be included.” Thus, neither the day of receipt nor the intervening Saturday or Sunday are included in the five-day period. Accordingly, the Department’s deadline to respond was January 30, 2024.

<sup>2</sup> The Appellant has not challenged any aspect of the Department’s January 30, 2024, response.

result, the Department did not violate the Act when it fulfilled the request within five business days of receiving it.

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.

**Russell Coleman**  
**Attorney General**

/s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

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