



COMMONWEALTH OF KENTUCKY  
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**25-ORD-085**

March 31, 2025

In re: Jamie Fain/Grant County School District

**Summary:** The Grant County School District (“the District”) violated the Open Records Act (“the Act”) when it failed to cite the specific exception authorizing its denial of the request. The District did not violate the Act when it denied a request seeking information without describing any public records to be inspected.

***Open Records Decision***

Jamie Fain (“Appellant”) submitted a request to the District seeking “the grade point average” for two District teachers. In response, the District stated it is “unable to provide [her] with [her] request as it is protected information.” This appeal followed.

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.” KRS 61.880(1). If an agency denies in whole or in part the inspection of any record, its response must include “a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” *Id.*

Here, the District’s original response stated only that the Appellant’s request sought “protected information.” That response did not identify the specific statutory exemption authorizing the denial of the request. On appeal, the District now explains that it did not interpret the Appellant’s request as one submitted under the Act. However, the subject line of the Appellant’s email identified it as a request under the Act. Accordingly, the District violated the Act when it failed to cite the specific exception authorizing its denial of the request.

On appeal, the District asserts that the Appellant has not requested records. Rather, the Appellant submitted a “request for information.” The Appellant’s request asks for “the grade point average” of two District instructors. The District is correct that this request did not describe public records to be inspected, but rather, sought information. *See, e.g.*, 23-ORD-257 (denying a request for “the full names” of correctional officers on duty at a specific time); 22-ORD-054 (denying a request asking “who ordered” a letter to be written, how much the author was paid, and “why” the letter “was circulated”). The Act does not require public agencies to answer interrogatories or fulfill requests for information. Rather, it only requires public agencies to produce public records for inspection. *See* KRS 61.872(2)(a) (requiring a request to inspect records to include, *inter alia*, a description of “the records to be inspected”); *Dep’t of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The [Act] does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”). Accordingly, the District did not violate the Act when it denied the Appellant’s request because it did not describe any public records to be inspected.<sup>1</sup>

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).

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

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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<sup>1</sup> Because the Appellant’s request was properly denied as a request for information, the Office need not address the District’s alternative arguments under KRS 61.872(2) and the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

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Distributed to:

Jami Fain

Todd Moody, Superintendent