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25-ORD-230

August 25, 2025

In re: Vivian Miles/Cabinet for Health and Family Services

Summary: The Cabinet for Health and Family Services (“the Cabinet”) violated the Open Records Act (“the Act”) when it failed to respond to a request for records within five business days.

Open Records Decision

On July 17, 2025, Vivian Miles (“the Appellant”) submitted a two-part request to the Cabinet related to a 2019 investigation identified in the Personnel Board’s 2019 Annual Report. The first part of the request sought “records that were provided, produced, or searched” during the investigation. The second part sought records related to any “Final Actions” taken or not taken. Having received no response to her request by July 28, 2025, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency must respond to a request for public records within five business days after receiving it. On appeal, the Cabinet does not deny that it failed to respond to the Appellant’s request in a timely manner and explains that its “late response was due to a clerical error that had the response deadline wrong.” Thus, the Cabinet violated the Act.¹

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.

¹ After the Appellant initiated her appeal, but before the Cabinet received notice of this appeal, the Cabinet informed the Appellant that it does not possess records responsive to her request and identified the Personnel Board as the agency likely to possess responsive records. See KRS 61.872(4).

**Russell Coleman
Attorney General**

/s/ Zachary M. Zimmerer
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Distributed to:

Vivian Miles

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