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25-ORD-321

October 16, 2025

In re: John Fouts/University of Kentucky

Summary: The University of Kentucky (“the University”) did not violate the Open Records Act (“the Act”) when it denied a request for copies that did not precisely describe the public records requested.

Open Records Decision

On August 23, 2025, John Fouts (“the Appellant”) submitted a multi-part request to the University for copies of “*all records, communications, and materials in any form* (including but not limited to emails, letters, text messages, instant messages, voicemails, call logs, notes, memoranda, meeting minutes, routing slips, tasking systems, drafts, or any other format – digital, paper, or otherwise” (emphasis added). The Appellant stated the “request covers all communications concerning, referencing, or related to” him, “*including any aliases, related identifiers, or matters connected to and the same information for [his] child [name given]* who may be identified as [alias given] or [other alias given] or by any other aliases, related identifiers, or matters” and any “*lab, facility, office, agency, or individual for any reason*” (emphasis added).¹ The Appellant added that the request “includes all communications by any method, regardless of whether conducted on official systems or personal devices/accounts, and whether by University employees, contractors, affiliates, or agents.”

In a timely response, the University denied the request as unduly burdensome under KRS 61.872(6) because it did not precisely describe the records requested. Additionally, the University stated that some responsive records would likely be exempt as “education records” under the Federal Educational Rights and Privacy Act (“FERPA”) and KRS 61.878(1)(k), confidential attorney-client communications under KRE 503(b), protected health information under the Health Insurance Portability and Accountability Act (“HIPAA”), preliminary materials under KRS 61.878(1)(i) and

¹ The Appellant also listed roughly 85 different subjects, persons, or entities the requested records may relate to.

(j), or records containing personal information under KRS 61.878(1)(a). This appeal followed.

When a person requests copies of public records under the Act, “[t]he public agency shall mail copies of the public records to a person . . . after he or she precisely describes the public records which are readily available within the public agency.” KRS 61.872(3)(b). A description is precise “if it describes the records in definite, specific, and unequivocal terms.” 98-ORD-17 (internal quotation marks omitted). This standard may not be met when a request does not “describe records by type, origin, county, or any identifier other than relation to a subject.” 20-ORD-017 (quoting 13-ORD-077). Requests for any and all records “related to a broad and ill-defined topic” generally fail to precisely describe the records. 22-ORD-182; *see also* 21-ORD-034 (finding a request for any and all records relating to “change of duties,” “freedom of speech,” or “usage of signs” did not precisely describe the records); *but see Univ. of Ky. v. Kernel Press, Inc.*, 620 S.W.3d 43, 48 n.2 (Ky. 2021) (holding a request was proper when it sought “all records detailing [the] resignation” of a specific employee). A request that does not precisely describe the records “places an unreasonable burden on the agency to produce often incalculable numbers of widely dispersed and ill-defined public records.” 99-ORD-14.

Here, the Appellant requested “all records, communications, and materials in any form,” with no limitation in temporal scope or type of records, including communications relating to or “connected to” him or his child by their names, unknown “aliases,” or other “identifiers,” or “matters connected to” a bewildering array of ill-defined subjects, persons, and entities. Under the Act, a “requester is required to describe the records he or she seeks so as to make locating them reasonably possible.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 855 (Ky. 2013). In this case, the University asserts it would have “to search every single record in its possession for potentially responsive documents” to attempt to fulfill the Appellant’s request. According to its website, the University employs “more than 12,000 staff and 2,000 faculty.”²

Moreover, even if the University searched all its records, it could not reasonably be expected to know all aliases of the Appellant and his child or the identities of all “affiliated individuals” of the various entities named in the request. *Cf.* 25-ORD-300 (finding the Kentucky State Police could not be charged with knowledge of the names and functions of members of an FBI task force). Thus, the University could not reasonably locate all responsive records even if it attempted to do so. In light of the size of the University and the broad scope and vague terms of the request, the Appellant has not “precisely describe[d] the public records which are readily available within the public agency,” as required by KRS 61.872(3)(b).

² See <https://www.uky.edu/faculty-staff/> (last accessed October 7, 2025).

Accordingly, the University did not violate the Act when it denied the Appellant's request.³

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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.

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/s/ James M. Herrick
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³ Because KRS 61.872(3)(b) is dispositive of the issues on appeal, it is unnecessary to address the alternative arguments made by the University.