



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-356

November 13, 2025

In re: Steven Bachelor/Kentucky Community and Technical College System

Summary: The Office cannot find that the Kentucky Community and Technical College System (“KCTCS”) violated the Open Records Act (“the Act”) when it failed to respond to a request it did not receive because of its email spam filter.

Open Records Decision

On September 17, 2025, Steven Bachelor (“Appellant”) submitted a request to KCTCS seeking six categories of records related to a particular individual. On October 6, 2025, having received no response from KCTCS, 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.” On appeal, KCTCS explains that it did not respond to the Appellant’s request because the spam filter for the email account to which the Appellant submitted his request rejected the Appellant’s email. Accordingly, KCTCS claims not to have received the request. The Office has previously found that the interception of emailed requests by spam filters or anti-phishing programs that prevent them from reaching the recipient is tantamount to the agency not receiving the request. *See, e.g.*, 25-ORD-087; 24-ORD-001; 23-ORD-182; 23-ORD-153; 23-ORD-064. Accordingly, the Office cannot find that the City violated the Act when it did not receive the request.¹

¹ On appeal, KCTCS also states that, upon receiving notice of this appeal, it identified the Appellant’s request and requested a statement of residency from him. *See* KRS 61.872(2) (authorizing the official records custodian to require a person requesting to inspect records “to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth

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

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Distributed to:

Steven Bachelor
Jessica Stigall
Terri DeAtley

under KRS 61.870(10)(a) to (f)"). After the Appellant failed to respond to KCTCS's request for residency information, KCTCS denied his request.