



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-407

December 16, 2025

In re: Michael McDaniel/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 records that did not precisely describe the public records requested.

### *Open Records Decision*

On October 13, 2025, Michael McDaniel (“the Appellant”) submitted a three-part request for records to the University. In Part 1 of the request, the Appellant sought “[a]ny complaints[,] inquiries, or correspondence” sent to or received from “any agency or representative of the federal government” that “relate[s] to speech, expression, or academic freedom at the University.” In Part 2, the Appellant sought “[a]ny correspondence or communications between [University] administrators, faculty, or communications staff and any federal government official or agency that reference or discuss” the following topics: “Employee or student speech, expression, or social media activity; Free speech policies, enforcement, or investigations; [or] Federal complaints or directives concerning campus speech, protests, or disciplinary actions connected to speech.” In Part 3, the Appellant sought “[a]ny internal correspondence among University officials referring to or discussing pressure, requests, or guidance from the federal government concerning university decisions or policies on speech, expression, or public communication.” Each request sought records dated between January 1, 2019, and the date of the request.

In a timely response, the University denied the request under KRS 61.872(6) because the “request does not provide the University with enough information to conduct any proper research contributing to the unreasonably burdensome nature of your request.” 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.

Part 1 of the request sought any “complaints[,] inquiries, or correspondence” between the University and any representative of the Federal Government for a six-and-a-half-year period. The only limiting factors were the broad topics of “speech, expression, or academic freedom at the University.” Likewise, Part 2 of the request also sought records sent between University staff and “any federal government official or agency” referencing similarly broad topics. 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). Regarding Parts 1 and 2 of the request, the listed topics are “broad and ill-defined.” Moreover, the University cannot reasonably be expected to know every representative of the Federal Government it has been in contact with for a period of nearly seven years. *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). As such, the requester has not precisely described the records sought in Parts 1 and 2 of his request.

Part 3 of the Appellant’s request also seeks a broad and ill-defined range of records. That request sought any correspondence among “University officials” which discuss “pressure, requests, or guidance from the federal government concerning university decisions or policies on speech, expression, or public communication.” First, it is unclear who is included in the term “University official.” That term is undefined and could reasonably be interpreted as seeking communications between any employee of the University.<sup>1</sup> Moreover, the identified topics provided by the Appellant are also broad and ill-defined and do not make it reasonably possible for the University to determine whether a particular record is responsive to the request.

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<sup>1</sup> The Appellant has stated that his request “includes but is not limited to communications by or to” five different University offices. Because that list is nonexclusive, it does not meaningfully clarify the scope of the request.

Here, each part of the Appellant's request sought records concerning ill-defined topics sent to or from an unclear swath of employees within the University and persons outside the University. Given the broad scope of the request, the Appellant has not "precisely describe[d] the public records which are readily available within the public agency," as is required by KRS 61.872(3)(b). Accordingly, the University did not violate the Act when it denied the Appellant's request.

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.

**Russell Coleman**  
Attorney General

/s/ Zachary M. Zimmerer  
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