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26-ORD-120

March 24, 2026

In re: Melanie Barker/Finance and Administration Cabinet

Summary: The Finance and Administration Cabinet (“the Cabinet”) did not violate the Open Records Act (“the Act”) when it denied a request that did not sufficiently describe the public records sought and did not state the manner in which the requester was a resident of the Commonwealth.

Open Records Decision

Melanie Barker (“the Appellant”) submitted a request to the Cabinet for “the completed attached record for this Kentucky Governor’s Out of Country Trip.” She attached a blank copy of Form DOA-28A, “Request for Authorization of Out-of-Country Travel.” The Cabinet timely denied the request on the grounds that it did not sufficiently describe the records the Appellant sought and did not state the manner in which the Appellant was a resident of the Commonwealth. This appeal followed.

Under the Act, a public agency’s custodian of records “may require a written application . . . describing the records to be inspected.” KRS 61.872(2)(a). A request to inspect public records must describe those records in a manner “adequate for a reasonable person to ascertain the nature and scope of [the] request.” *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). If the request is for copies of public records, it must “precisely describe[] 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 is generally not met by requests that are unlimited in temporal scope.” 20-ORD-017.

Here, the Appellant submitted a request for a form relating to an unspecified foreign trip by a Governor who has been in office for more than six years. “A request must be specific enough so that a public agency can identify and locate the records in

question.” OAG 89-8. Because the Cabinet could not identify the requested record based on the description provided, the request was insufficiently specific.¹

Further, under KRS 61.872(2)(a), a public agency may require a person requesting records “to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.810(10)(a) to (f).” Here, the Appellant’s request did not contain a statement explaining how she qualifies as a Kentucky resident. Therefore, the Cabinet 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/ James M. Herrick
James M. Herrick
Assistant Attorney General

#142

Distributed to:

Ms. Melanie Barker
Barbara K. Dickens, Esq.
Ms. Laura Sharp

¹ On appeal, the Cabinet states it has “subsequently determined [that] all records related to the Governor’s travel are maintained, not by [the Cabinet], but by the Kentucky State Police.” Thus, the Cabinet apparently does not have custody of the requested record.