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26-ORD-121

March 25, 2026

In re: Tatiana Torres Espada/Corbin Housing Authority

**Summary:** The Corbin Housing Authority (“the Authority”) violated the Open Records Act (“the Act”) when it did not respond to a request under the Act within five days of receiving it.

***Open Records Decision***

On December 22, 2025, Tatiana Torres Espada (“Appellant”) submitted a request to the Authority to inspect its “policies and procedures [and] handbook related to security clearance.” In a January 8, 2026, letter, the Appellant asserted that, “[a]fter six business days had elapsed, [the Authority] [verbally] denied [her] request” because “the Executive Director . . . was not in the office” but that the Authority did not cite any statutory exemption. This appeal followed.

Upon receipt of a request for public records, a public agency shall determine within five business days “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.” KRS 61.880(1). On appeal, the Authority states it received the Appellant’s request on December 22, 2025, but did not issue a written response until January 8, 2026, nine business days later, due to the “Christmas Holiday” and its Executive Director being “out of the office from December 30 to January 7.”<sup>1</sup> The Office has found that an employee’s absence does not excuse the timely processing of requests under the Act. *See, e.g.*, 23-ORD-325 (noting “the agency must establish a process to facilitate fulfillment of requests while the official records custodian is absent”); 22-ORD-169 n.3; 15-ORD-174; 10-ORD-151 n.2. Similarly, here, the absence of the Authority’s

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<sup>1</sup> January 8, 2026, was the ninth business day after the Authority received the Appellant’s request on December 22, 2025. State offices were closed on December 24 and 25, 2025, as well as on January 1 and 2, 2026, for Christmas Eve, Christmas Day, New Year’s Eve, and New Year’s Day, which are state holidays. *See* KRS 2.110(1); *see also* KRS 18A.190(1)(a) and (j).

Executive Director did not excuse it from timely responding to the Appellant's request. Thus, the Authority violated the Act when it failed to respond to a request under the Act within five business days of receiving the request.<sup>2</sup>

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:

Tatiana Torres Espada  
Robert Hayes  
Jeff Hill

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<sup>2</sup> On appeal, the Authority states it mailed the requested records to the Appellant on January 9, 2026.