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26-ORD-163

April 13, 2026

In re: Robert Perkins/Jefferson County Board of Education

Summary: The Jefferson County Board of Education (“the Board”) did not violate the Open Records Act (“the Act”) when it sought clarification of a request that did not precisely describe the public records requested.

Open Records Decision

On March 10, 2026, Robert Perkins (“the Appellant”) submitted a multi-part request to the Board for copies of records. At issue in this appeal are three portions of the request pertaining to the time period “from July 1, 2024 to present.” First, the Appellant requested “[a]ll emails, communications, and correspondence regarding Robert Perkins and/or Eric Perkins.” Second, he requested “[a]ll meeting notes, memos, and internal communications regarding the Louisville Lightning Adaptive Sports Program and Robert Perkins.” Finally, he requested “[a]ny and all communications between [Jefferson County Public Schools] staff regarding Robert Perkins, Eric Perkins, or the Lightning Program.”

In a timely response¹ on March 17, 2026, the Board stated, “without reference to who may have sent or created the record, [it was] not able to identify potentially responsive records because the terms [the Appellant] provided refer to many areas and staff within” the Jefferson County Public Schools, and the Board had “no way to identify every record that could potentially be responsive.” For this reason, the Board asked the Appellant to “provide more specific information about the requested records” to enable it to fulfill the 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.”

¹ The Appellant claims the Board’s response was untimely because it was not issued within three business days. However, the Act requires a response to a request for records be issued within *five* business days after receipt of a request for records. KRS 61.880(1).

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, in various formulations, all “communications regarding” two individuals or a certain program. In prior decisions, the Office has found vague descriptions of records inadequate for a reasonable person to identify the records requested. *See, e.g.*, 25-ORD-321 (finding a request for “all records, communications, and materials in any form” relating to or “connected to” the requester, his child, or “matters connected to” certain ill-defined subjects did not sufficiently describe the records); 23-ORD-251 (finding “communication records regarding any person(s) . . . whose speech was to be limited by [an agency] or whom [the agency] threatened to limit access to school property” did not sufficiently identify the records); 21-ORD-017 (finding “all data, records, emails regarding” COVID-19 testing was not an adequate description). In 06-ORD-004, the Office found a request for “any and all’ written or electronic communications between [certain] named individuals ‘and all others’ regarding [the requester] or her employment status on or after” a certain date did not “precisely describe” the records under KRS 61.872(3)(b) “so as to enable the [agency] to identify and locate *all* responsive records” (emphasis added). Here, similarly, the Appellant’s request for all “communications regarding” two persons or a program, after a certain date, was a vague description that did not enable the Board to identify all responsive records. *Cf.* 13-ORD-077 (finding a description was not precise when the agency “was unable through reasonable effort to identify and locate the records based on the information in the request”).

As the Office has frequently observed, a “request in good faith for clarification of an ambiguity, or for further information needed to locate the correct records, does not violate the [Act].” 22-ORD-123; *see also* 19-ORD-035; 19-ORD-028; 14-ORD-037; 06-ORD-253. Here, the Board did not deny the Appellant’s request, but merely sought

further information needed to identify the records sought. Therefore, the Board did not violate the Act.²

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

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Distributed to:

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² The Appellant also claims he “submitted a narrowed request on March 17, 2026,” to which the Board did not timely respond. Because the Appellant has not provided a copy of this second request and any response thereto, he has not perfected an appeal as to that request. *See* KRS 61.880(2)(a).