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26-ORD-291

June 30, 2026

In re: Reuben Adatorwovor/University of Kentucky

Summary: The University of Kentucky (“the University”) did not violate the Open Records Act (“the Act”) when it did not provide records it cannot locate based on the description provided in the request.

Open Records Decision

On May 7, 2026, Reuben Adatorwovor (“Appellant”) submitted a request to the University, “[p]ursuant to Section 1(c) of the attached document,” for “copies of documentation evidencing the requests for these materials, typically consisting of two to three emails. Where updated materials are not available, please include the most recent version of each document available.” The Appellant further noted that the request was limited to email documentation compiled by two University employees related to the “College of Public Health appointment and tenure promotion process.”

In response, the University denied the request, stating that the Appellant had “not provide[d] the University with enough information to conduct a proper search.” The University therefore denied the request as unreasonably burdensome under KRS 61.872(6). 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). 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.

The Appellant request seeks “documentation evidencing the requests for these materials.” The Appellant refers to Section 1(c) of the University’s “Procedure for Terminal Reappointment” as explanation for the meaning of “these materials.” Section 1 states what materials should be included in a faculty member’s dossier, and section 1(c) states that “[n]o other materials may be included in the dossier without the written permission of the faculty member under review.” Thus, the Appellant appears to seek requests for additional materials to be included in a faculty member’s dossier that were compiled by two University employees in relation to the University’s College of Public Health appointment and tenure promotion process.

The University correctly points out that the Appellant provides no other limiting language in his request. Thus, it is not apparent whether he seeks records related to his own tenure review process or records related to every College of Public Health appointment and tenure review that has included the two specified employees. 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). When the requester does not provide sufficient information to enable the agency to locate the requested records through a reasonable effort, the description fails to comply with KRS 61.872(3)(b). *See, e.g.*, 24 ORD-151; 16-ORD-242; 14-ORD-173; 13-ORD-077; 02-ORD-196. Here, the University can only guess at the scope of the Appellant’s request. Such a request does not describe “records in definite, specific, and unequivocal terms.” 98-ORD-17. 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 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
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Assistant Attorney General

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Distributed to:

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