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26-ORD-443

October 1, 2026

In re: Christopher Sparks/University of Kentucky

Summary: The University of Kentucky ("the University") violated the Open Records Act ("the Act") when it invoked KRS 61.872(5) to delay access to public records without providing a detailed explanation of the cause for the delay.

Open Records Decision

On August 25, 2026, Christopher Sparks ("the Appellant") submitted a request to the University for "specific historical electronic health record (EHR) audit logs, metadata, and transaction histories from March 25, 2025," limited to the window between 6:00 a.m. and 11:59 p.m. and seeking three categories of records: (1) user login ID, system-creation timestamp, and the digital-signature metadata for Informed Consent documents; (2) system-creation timestamp and edit logs for the Pre-Anesthesia Test; and (3) modification and data-entry history for the Anesthesia Record and medication logs.

On August 31, 2026, the University timely notified the Appellant that the request had been received and that the records were "in active use, in storage or not otherwise available pursuant to KRS 61.872(5)." The University stated it would "gather all potentially responsive documents," "search for records amongst various departments," "exclude all privileged documentation," "review all records, to determine if any portion of the records is exempt pursuant to personal privacy and, if so, redact appropriately," and "exclude all preliminary records." It identified September 9, 2026, as the date by which the records would be made available and asked the Appellant to "advise if you consent to this timeframe."

The same day, the Appellant refused to consent. He argued that the August 31 letter was a generic recitation of administrative tasks and not a "detailed explanation

of the cause" of delay under KRS 61.872(5). He also asserted that the requested audit data were historical server entries, not records in active operational use, and he demanded production by close of business on September 1, 2026.

The University did not grant the request, deny the request, or produce records by the Appellant's September 1 deadline. The following day, the Appellant initiated this appeal.[1]

Under KRS 61.880(1), a public agency has five business days to fulfill or deny a request for public records. This period may be extended if the records are "in active use, in storage or not otherwise available," but the agency must give "a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection." KRS 61.872(5). Under KRS 61.880(4), a person may petition the Attorney General to review an agency's action if the "person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . delay past the five (5) day period described in [KRS 61.880(1) or] excessive extensions of time."

The University argues that its invocation of KRS 61.872(5) was adequate because it provided four bases for its delay. Specifically, it explained that it needed to search for the records, exclude privileged information, review the records for personal privacy, and redact the records. "However, the Act contemplates that all those actions should be completed within five business days for every request, unless KRS 61.872(5) applies." 25-ORD-076 (explaining that the agency had not identified the number or size of the responsive records, did not describe their content or the applicable exemptions, and did not describe any additional causes of delay). Here, the University did not state or estimate how many records were implicated by the request or explain why they could not be gathered within five business days. Thus, the University failed to provide a detailed explanation for the cause of delay and, therefore, violated the Act.[2]

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

[1] The Appellant makes separate claims under the federal HIPAA patient-access rules, which are outside the scope of KRS 61.880.

[2] The University ultimately issued its final response to the Appellant on September 2, 2026. The merits of that response are not at issue in this appeal.

any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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