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26-ORD-505

November 5, 2026

In re: Nathan McCamish/Lexington-Fayette Urban County Government

Summary: The Lexington-Fayette Urban County Government ("the Agency") did not violate the Open Records Act ("the Act") when it denied a request that did not precisely describe the records requested.

Open Records Decision

On August 17, 2026, Nathan McCamish ("Appellant") submitted a request to the Agency seeking all letters denying records requests where the basis of the denial was the requester's failure to provide a mailing or physical address. The Appellant specified that his request sought letters dated between October 1, 2025, and the date of the request. In response, the Agency explained that it does not index its denial letter "by reason for denial" meaning it "is unable to search for denials using this parameter." Thus, the Agency denied the request stating that it would impose an unreasonable burden on it under KRS 61.872(6).

Under KRS 61.872(6), a public agency may deny a request to inspect records "[i]f the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency." However, an agency must substantiate its denial "by clear and convincing evidence." *Id.* The Agency's initial response only pointed to its inability to search for records using the parameters of the request. That statement, without additional explanation, is not "clear and convincing evidence" that the request imposed an unreasonable burden on it. Thus, the Agency's initial response violated the Act.

However, the Agency has supplemented its response on appeal explaining why the Appellant's description of the records would impose an unreasonable burden on it. 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." 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.

The Office has previously found that a request did not precisely describe the records sought when locating responsive records would require the agency to manually search nearly 8,000 employee files. *See, e.g.*, 23-ORD-066 n.2; *see also* 25-ORD-051 (finding a request that would require a manual search of over 19,000 files did not precisely describe the records sought). In 26-ORD-202, the Office considered whether a request for responses to records requests categorized by the basis of the denial precisely described the records sought. There, the agency explained that fulfilling the request would require a manual review of the 2,400 responses to records requests it had issued in the time period described by the requester. *Id.* The Office found that a request that requires a manual review of over 2,400 records did not precisely describe the records sought. Here, the Agency explains that it has received 5,000 requests for records in 2026. Fulfilling the Appellant's request would require a manual review of the Agency's response to each of those 5,000 requests.[1] Thus, the Appellant's request did not "precisely describe[] public records which are readily available within the public agency," as required by KRS 61.872(3)(b). Accordingly, the Agency did not violate the Act when it denied the 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

[1] The Agency states that it received a total of 7,099 requests in 2025. However, it does not state how many of those requests were responded to during the period of time described by the Appellant.

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

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/s/ Zachary M. Zimmerer
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Distributed to:

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