



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON  
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118  
700 CAPITAL AVENUE  
FRANKFORT, KENTUCKY 40601  
(502) 696-5300  
FAX: (502) 564-2894

**20-ORD-064**

April 27, 2020

In re: Anthony Sadler/Northpoint Training Center

**Summary:** Northpoint Training Center (“NTC”) did not violate the Open Records Act (“the Act”) in failing to respond to a request for records. Instead, NTC met its burden of proof that it did not receive the request.

***Open Records Decision***

On or about February 18, 2020, NTC inmate Anthony Sadler (“Appellant”) attempted to submit a written request to inspect his medical records. He initiated this appeal after receiving no response by March 26, 2020, but NTC notified Appellant that it had never received his request and advised him of the proper manner by which to submit an open records request.

Under KRS 197.025(7), a correctional institution has five business days to respond to an open records request. When a person appeals a public agency’s disposition of the request, the public agency carries “[t]he burden of proof in sustaining the action[.]” KRS 61.880(2)(c). Here, NTC provided a written statement from its records custodian stating that she searched the pertinent files and could not locate a request form from Appellant. Thus, NTC has carried its burden of proof that it did not respond to Appellant’s request because it did not receive it.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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 proceeding.

Daniel Cameron  
Attorney General

/s/ James M. Herrick

James M. Herrick  
Assistant Attorney General

#87

Distributed to:

Anthony Sadler, #151598

Ms. Tonya Mankin

Amy V. Barker, Esq.