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21-ORD-019

February 5, 2021

In re: Glen A. Davis/Georgetown Police Department

Summary: The Georgetown Police Department (“Department”) did not violate the Open Records Act (“the Act”) when it did not respond to a request for records that it did not receive.

Open Records Decision

Inmate Glen Davis (“Appellant”) claims that he requested from the Department a copy of an investigative report, but that he received no response. On appeal, the Department asserts that it never received the request.

An agency’s obligations under the Act arise only after its receipt of a request to inspect records. KRS 61.880(1). But here, the Department provides an affidavit in which its records custodian swears that the custodian did not receive the Appellant’s request. On this record, there is no basis to conclude that the Department violated the Act.

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 proceedings.

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