



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-176

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In re: Donna Bischoff/University of Kentucky

Summary: The University of Kentucky (“University”) did not violate the Open Records Act (“the Act”) when it did not respond to a request to inspect records that it never received.

Open Records Decision

Donna Bischoff (“Appellant”) attempted to send a request under the Act to “John Hughes” to inspect the financial records of the Bullitt County 4H Council. Neither her request, nor the cover letter she sent accompanying it, contains the name or address of the public agency to which she submitted the request. Having received no response, she initiated this appeal.

In processing the appeal, this Office sent notice to the University, because that agency appeared to be the proper public agency to process the Appellant’s request. In response to the appeal, the University confirmed that it was the appropriate agency to process the Appellant’s request, but that it had no record of having received her request.¹ The University therefore invited the Appellant to submit her request to the University’s record custodian so that it could be processed.

¹ The University confirmed that it is responsible for information concerning local agricultural extension offices such as the Bullitt County 4H. Requests for such records should therefore be submitted to the University’s record custodian.

There is no evidence in this record that the University received the Appellant's request. Accordingly, the University did not violate the Act by not responding to a request it never received.²

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.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Donna A. Bischoff
William E. Thro

² Recognizing the miscommunication, this Office invited the Appellant to withdraw her appeal and resubmit her request to the University. This Office did so to assist the Appellant in reaching the appropriate public agency to process her request, and to hopefully provide her access to requested records sooner. The Appellant did not formally communicate an intent to withdraw her appeal, and therefore this Office renders this decision. *See* KRS 61.880(2)(a). The Appellant, however, is free to submit her request to the University and initiate a new appeal if she is dissatisfied with the University's disposition of her request.