



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

21-ORD-222

November 18, 2021

In re: Steven Dasenbrock/Kentucky Housing Corporation

Summary: The Kentucky Housing Corporation (“the Corporation”) did not violate the Open Records Act (“the Act”) when it denied a request seeking information rather than public records.

Open Records Decision

Steven Dasenbrock (“the Appellant”) submitted a request to the Corporation seeking the legal authority upon which the Corporation relied in determining who is eligible to receive certain housing assistance funds. The Corporation denied the request because the Appellant sought information rather than a specific public record.¹ The Corporation, however, provided the Appellant with a “working draft” of its policy document describing who was eligible to receive funding. This appeal followed.

The Act does not require public agencies to fulfill requests for information, but only requests for records. KRS 61.872; *Dept. of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The ORA does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”). Here, the request was clearly one for information: the state or federal law upon which the Corporation relied in reaching a legal conclusion.

¹ The Appellant allegedly sent his request to various individuals who were not the Corporation’s official custodian of records. At some point, however, an employee forwarded the request to the Corporation’s official custodian of records. The Appellant’s original request does not appear in this record, but in response thereto, the Corporation denied the request for lacking specificity and because the Appellant requested information instead of access to public records. The Appellant has clarified that the only issue on appeal is the Corporation’s denial of his request as one seeking information rather than public records.

See, e.g., 00-ORD-130 (finding that public agencies are “not obligated to conduct research by locating relevant statutes and regulations pertaining to the subject of” the request). Accordingly, the Corporation did not violate the Act when it denied the Appellant’s request as one seeking information rather than public records.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 within 30 days from the date of this decision. 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. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Steven Dasenbrock
Jeremy Ratliff

² On appeal, the Corporation states that it has nevertheless provided the Appellant with a citation to federal law.