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24-ORD-141

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In re: Jerry Grooms/Fayette County Public Schools

Summary: The Fayette County Public Schools (“FCPS”) did not violate the Open Records Act (“the Act”) when it denied a request seeking information without describing any public records to be inspected.

Open Records Decision

Jerry Grooms (“Appellant”) submitted a request to FCPS which asked, “How many FCPS personnel were hired from the 8-person PR recruitment trip in April-2024?” In response, FCPS stated that it was “not in possession or aware of any record with the requested information.” This appeal followed.

On appeal, FCPS states it does not possess a record responsive to the Appellant’s request because he did not request a record. Rather, the Appellant submitted a “request for information.” The Appellant’s request asks FCPS how many of its employees were “hired” from a specific “PR recruitment trip.” This request did not describe public records to be inspected, but rather, seeks information. *See, e.g.*, 23-ORD-257 (denying a request for “the full names” of correctional officers on duty at a specific time); 22-ORD-054 (denying a request asking “who ordered” a letter to be written, how much the author was paid, and “why” the letter “was circulated”). The Act does not require public agencies to answer interrogatories or fulfill requests for information. Rather, it only requires public agencies to *produce public records* for inspection. *See* KRS 61.872(2)(a) (requiring a request to inspect records to include, *inter alia*, a description of “the records to be inspected”); *Dep’t of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The [Act] does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”). Accordingly, FCPS did not violate the Act when it denied the Appellant’s request because it did not describe any public records to be inspected.

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

Russell Coleman
Attorney General

/s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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