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24-ORD-144

June 18, 2024

In re: Bethany Davis/Department of Insurance

**Summary:** The Department of Insurance (“the Department”) did not violate the Open Records Act (“the Act”) when it denied a request that did not sufficiently describe the public records sought.

***Open Records Decision***

On May 17, 2024, Bethany Davis (“Appellant”) submitted a request to the Department for “signed ins. documents – ALL.” The Department timely denied the request on the grounds that it did not sufficiently describe the records the Appellant sought. This appeal followed.

Under the Act, a public agency’s custodian of records “may require a written application . . . describing the records to be inspected.” KRS 61.872(2)(a). A request to inspect public records must describe those records in a manner “adequate for a reasonable person to ascertain the nature and scope of [the] request.” *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). If the request is for copies of public records, it must “precisely describe[ ] the public records which are readily available within the public agency.” KRS 61.872(3)(b). A description is precise “if it describes the records in definite, specific, and unequivocal terms.” 98-ORD-17 (internal quotation marks omitted). This standard may not be met when a request does not “describe records by type, origin, county, or any identifier other than relation to a subject.” 20-ORD-017 (quoting 13-ORD-077).

Here, the Appellant simply requested all “signed” documents, which is not an identifiable type of record. Because the Appellant’s request did not describe public records by any criteria other than being “signed,” it failed to describe the records sought in a manner adequate for a reasonable person to ascertain the nature and scope of the request. Accordingly, the Department did not violate the Act when it denied the Appellant’s request.

A party aggrieved by this decision may appeal it by initiating an 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.

**Russell Coleman**  
**Attorney General**

/s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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Distributed to:

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