



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-189

September 9, 2024

In re: James William Gentry/Kentucky State Police

Summary: The Kentucky State Police (“KSP”) violated the Open Records Act (“the Act”) when it failed to respond to a request made under the Act within five business days.

Open Records Decision

On July 1, 2024, inmate James William Gentry (“Appellant”) submitted a request to KSP for “a complete copy of” his KSP file and specified that his request sought “all documents, photos, witness statements, [and] forensic tests” in his file. The Appellant also sought “texts, e-mails, [and] phone logs” from a specific detective related to the investigation and prosecution of the Appellant. Having received no response to his request by August 5, 2024, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” Here, the Appellant submitted a request for records to KSP on July 1, 2024, and claims he did not receive a response to his request. On appeal, KSP states it received the Appellant’s request on July 8, 2024, and issued a response to that request on July 23, 2024. As proof, KSP provides a copy of a response dated July 23, 2024. Thus, KSP does not dispute that it failed to respond to the Appellant’s request within five

business days of receiving it.¹ Accordingly, KSP violated the Act when it did not issue a timely response to a request under the Act.²

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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¹ The Appellant claims he did not receive KSP's July 23 response. The Office has consistently found it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received a response to his request. *See, e.g.*, 23-ORD-247; 23-ORD-062; 22-ORD-024; 21-ORD-233; 21-ORD-163.

² On appeal, KSP states it has provided the requested records to the Appellant with personal information redacted under KRS 61.878(1)(a). The Appellant has not disputed this claim or challenged the agency's redactions.