



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-081

March 25, 2025

In re: Stephanie Kuzydym/Kentucky State Police

Summary: The Office cannot resolve the factual dispute regarding whether the Appellant's reply to the Kentucky State Police's ("KSP") response to a prior request for records was a new request for records.

Open Records Decision

On October 6, 2023, Stephanie Kuzydym ("the Appellant") submitted a request for records to KSP. On December 5, 2023, KSP, by email, informed the Appellant that responsive records had been mailed to her. Over a year later, on December 18, 2024, the Appellant replied to KSP's December 5, 2023, email, stating that she had misplaced the previously provided records and asking whether KSP would "please be able to send" her a specific PDF file. On February 27, 2025, having received no further response from KSP, the Appellant submitted this appeal.¹

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

¹ The Appellant also seeks to appeal KSP's responses to three other requests for records. However, the Appellant has only provided KSP's responses to those requests. The Appellant has not provided copies of the original requests to which KSP responded. Under KRS 61.880(2)(a), a party wishing to appeal a denial of a request for public records must "forward to the Attorney General a copy of the written request and a copy of the written response denying inspection." Because the Appellant has not provided copies of her original requests, KSP's responses to them are not properly raised in this appeal.

Additionally, the Appellant alleges KSP has made her requests inaccessible on its "Nextrequest" portal, through which the requests were submitted, by designating fulfilled requests as closed. The Office notes that it routinely receives appeals including copies of requests that have been marked as "closed" in KSP's Nextrequest system. Moreover, KSP advises that it "stands ready to provide Appellant with any technical assistance upon her providing additional information." Regardless, the Office cannot adjudicate disputed issues of fact, such as whether KSP's Nextrequest system allows the Appellant access to her fulfilled requests. *See, e.g.*, 22-ORD-010.

person making the request, within the five (5) day period, of its decision.” Here, KSP explains that it did not interpret the Appellant’s December 18, 2024, email as a new request for records. KSP states that the Appellant replied to KSP’s response to her original request more than a year after KSP originally provided responsive records. Moreover, the Appellant’s December 18, 2024, email did not include the information KSP’s custodian of records requires under KRS 61.872(2)(a) and KRS 61.876(4)(c), including a statement explaining how the requester qualifies as a resident of the Commonwealth and whether the request is made for a commercial purpose. Ultimately, the Office is unable to adjudicate dispute issues of fact, such as whether a reply to a response to a request for records was subjectively intended by the Appellant to be a new request for records. *See, e.g.*, 25-ORD-017. Therefore, the Office cannot find that KSP violated the Act when it did not respond to the Appellant’s December 18, 2024, email.

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

#086

Distributed to:

Stephanie Kuzydym

Samantha A. Bevins, Staff Attorney III, Office of Legal Services, Justice and Public Safety Cabinet

Stephanie Dawson, Official Custodian of Records, Public Records Branch, Kentucky State Police

Mitchel S. Hazelett, Police Lieutenant, Kentucky State Police

Zack Morris