



Kerry Harvey
Secretary

Andy Beshear
Governor

KENTUCKY STATE POLICE

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Col. Phillip Burnett, Jr.
Commissioner

October 6, 2021

Emma North-Best
MuckRock News
DEPT MR 112191
411A Highland Ave
Somerville, MA 02144-2516
119234-78278678@requests.muckrock.com

Re: Open Records Request: 21-4498

Dear Emma North-Best:

This letter responds to your October 1, 2021, open records request, which the Kentucky State Police ("KSP") received on the same day. Senate Bill 150, which Governor Beshear signed into law on March 30, 2020, extended the deadline for public agencies to respond to requests made under the Open Records Act from three (3) business days (now five), pursuant to KRS 61.880(1), to ten (10) days during the state of emergency, as declared by Executive Order 2020-215. Specifically, Senate Bill 150 Section 1(8)(a) reads as follows:

Notwithstanding KRS 61.872 and 61.880, a public agency shall respond to the request to inspect or receive copies of public records within 10 days of its receipt. A public agency may delay on-site inspection during the pendency of the state of emergency.

Accordingly, this response is timely.

You requested a copy of the following records:

1. Policies, including implementation, termination and expiration notices, mentioning or discussing mask mandates or requirements for employees.
2. Reports regarding alleged violations of or non-compliance with mask mandates or requirements.
3. Records documenting any disciplinary actions taken regarding Item #2.
4. Emails, letters, memos and other written or memorialized discussions with unions or employee representatives regarding actual or proposed mask mandates or requirements (such as those requested in Item #1).

KSP is complying with your October 1 request by attaching hereto memoranda from the Kentucky Personnel Cabinet regarding policies responsive to item 1 of the request. After a diligent search, KSP did not locate any records responsive to items 2, 3 or 4 of your request. KSP “cannot afford a requester access to a record that it does not have or that does not exist, 99-ORD-98, and the agency discharges its duty under the Open Records Act by affirmatively so stating.” 16-ORD-246 (citing 99-ORD-150).

If you wish to appeal this decision, you may do so by filing a complaint with the Office of the Attorney General, Open Records/Open Meetings Division, The Capitol, 700 Capitol Avenue, Suite 118, Frankfort, KY 40601, pursuant to KRS 61.880(2), or by filing an original action in Franklin Circuit Court under KRS 61.882. If you first appeal to the Attorney General but are dissatisfied with the Attorney General’s decision, you may further appeal to Circuit Court pursuant to KRS 61.880(5).

Sincerely,

Stephanie Dawson
Official Custodian of Records
Legal Services Branch