



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

Andy Beshear  
GOVERNOR

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Frankfort, KY 40601  
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September 11, 2020

Emma Best  
MuckRock News  
DEPT MR 92332  
411 A Highland Avenue  
Somerville, MA 02144-2516

Re: September 4, 2020 Open Records Request

Dear Ms. Best,

This letter is in response to your September 4, 2020 open records request received by the Office of the Governor on the same day. In your request, you asked for “[m]emos, emails, letters, documents, reports, recorded phone calls and virtual meetings and other media discussing or describing COVID-19 response, shutdown and stay-at-home plans and orders, quarantines, and ‘re-opening’ plans, as well as copies of discussions of COVID-19 with CDC, White House, FEMA or similar emergency management agencies, offices of Surgeons General and similar bodies, and management of medical facilities or organizations.”

We are denying your request because you failed to precisely describe the public records requested as required by KRS 61.872(3)(b) and the request is unreasonably burdensome on this agency under KRS 61.872(6). A description is precise “if it describes the records in definite, specific, and unequivocal terms.” 20-ORD-017. This standard is not met when the requests are unlimited in temporal scope or do not “describe the records by type, origin, county, or any identifier other than relation to a subject.” *Id.* Your request is unlimited in temporal scope, fails to describe any specific record, or identify any individual who may have a responsive record. Moreover, to the extent it identifies a record, the identification is so broad as to include virtually any record regarding COVID-19. To locate, review and potentially redact every record within this Office regarding the COVID-19 response would require more than 50 employees to review almost every record in their possession, including almost every piece of correspondence for the past seven months. To do so would place an unreasonable burden on this office.

Please note that Senate Bill 150 became law on March 30, 2020, which provides that a public agency has ten days to respond to open records requests during the current declared state of emergency as a result of COVID-19.

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, 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,

*Isl Taylor Payne* \_\_\_\_\_

Taylor Payne

Deputy General Counsel