

From: Jones, Davy <djones@uky.edu>

Sent: Friday, April 12, 2024 12:34 PM

To: UK Open Records <UKOpenRecords@uky.edu>

Subject: Re: Open Records Request re: Records Concerning Deloitte Consulting "Support" Activities

Dear Open Records Officer,

Thank you for your 04/10/2024 response that responsive records exist, that you characterize as “preliminary,” i.e. by your reference to KRS 61.878(1)(i) and (j), meaning that you characterize the records as preliminary drafts, notes, correspondence with private individuals, and preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended. However, your 04/10/2024 response did not assert per se a denial to provide me the records,. Your response merely characterized them as "preliminary," which might be a basis of denial. However, under the Open Records Act you also have the option to provide a copy to me notwithstanding a characterization as "preliminary." Despite that you have not actually asserted a per se denial to me of a copy of these records, your office has in not yet provided me with a copy of any records, or of parts of any records, that match the description I provided on 04/02/2024, having the effect thereby of denying me the records.

Hence, I restate my request here for the records, or parts of records, possessed by UK on or before early December 2023, including but not limited to those provided to Deloitte Consulting by UK,

- that describe UK expectations for activities Deloitte Consulting,
- that were activities identified to the Board Executive Committee (02/23/2024) by Deloitte Consulting as “support” activities for Work Group 5, and
- that were support activities of “benchmarking.”

Thank you.

Davy Jones

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Reprinting here the RESPONSE:

First, to the extent that the records you request qualify as “public records” under the statute, such public records, are considered preliminary pursuant to KRS 61.878(1)(i) and (j) as there are no final actions. Second, to the extent that the records you request qualify as “public records” many of the public records would also be protected as they are considered attorney-client privileged communication.