



UNIVERSITY OF KENTUCKY

February 23, 2007

Official Records Custodian

301 Main Building
Lexington, KY 40506-0032
(859) 257-6366
Fax: (859) 323-1062
www.uky.edu

Nate Carlisle
550 South 500 East
Apartment 15
Salt Lake City, Utah 84102

Via email: natecarlisle@yahoo.com

Dear Mr. Carlisle:

This letter is in response to your email inquiry to my assistant received February 22, 2007. You asked the following:

“Will the University of Kentucky please provide a breakdown of drug tests and positive tests by sport?”

RESPONSE: We are not certain what you mean by “. . . a breakdown of drug tests. . .”. The University of Kentucky Athletics Department Drug and Alcohol Policy manuals include information relating to the drug testing methodology. The test results we provided with our earlier response to you revealed the “drug” tested for; so again, we do not know what you seek in this regard.

As I am sure you aware, records that include certain student information are exempt from disclosure pursuant to KRS 61.878(1)(k) which relates to information made confidential by federal law or regulation.

The University of Kentucky is bound by the federal Family Educational Rights and Privacy Act of 1974, codified at 20 U.S.C. 1232g, commonly referred to as the Buckley Amendment, and the regulations implementing the Act adopted by the Department of Education at 34 Code of Federal Regulations Part 99, specifically prohibit disclosure of “personally identifiable information from the student’s education records.” 34 C.F.R. § 99.30(a). The term “education records” is defined by the regulations and means those “records” that are “directly related to the student and maintained by an educational agency”. The term “record”, also defined in the regulations, means “any information recorded in any way . . .” 34 C.F.R. § 99.3. Accordingly, we cannot provide you with “. . . positive tests by sport. . .” information because of the probability that personally identifiable information could be obtained or determined due to the small number of athletes involved in each sport.

Sincerely yours,

A handwritten signature in black ink that reads "Frank Butler / BAD". The signature is written in a cursive, somewhat stylized font.

Frank Butler
Official Records Custodian

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