



COMMONWEALTH OF KENTUCKY
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20-ORD-051

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In re: William Aucott/Kentucky State Penitentiary

Summary: Kentucky State Penitentiary (“KSP”) did not violate the Act when it denied a request for information.

Open Records Decision

On February 28, 2020, William Aucott (“Appellant”) submitted a request to the Kentucky State Penitentiary in which he sought the name of a “powder chemical” he believed was added to the steamlines in the penitentiary and which he thought might be harmful to him. Specifically, Appellants’ request stated: “There is a powder chemical added to the steamlines, via osmosis to eliminate CO2 in the steamlines (it may be called ‘D-51’). I need the correct name[.]” On March 2, 2020, KSP denied the request stating, “[r]equests for information are outside the scope of the records law and an agency is not required to honor a request for information.” On March 6, 2020, Appellant initiated this appeal.

Appellant’s request sought information—not a public record. KSP appropriately denied the request because the Act does not require a public agency to respond to requests for information. *See* KRS 61.871 (providing that “free and open examination of public records is in the public interest” (emphasis added)); KRS 61.872(1) (providing that “[a]ll public records shall be open for inspection by any person” (emphasis added)); KRS 61.872(3) (“A person may inspect . . . public records[.]”) (emphasis added)). Thus, KSP did not violate the Act in denying Appellant’s request.

A party aggrieved by this decision shall appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to 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 proceeding.

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/s/ John Marcus Jones

J. Marcus Jones
Assistant Attorney General

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Distributed to:

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