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20-ORD-068

April 29, 2020

In re: Uriah Pasha/Department of Corrections

*Summary:* Department of Corrections (“DOC”) did not violate the Open Records Act (“the Act”) when it denied an inmate’s request for a copy of an administrative regulation because the record did not contain a specific reference to him. KRS 197.025(2).

*Open Records Decision*

On or about March 19, 200, inmate Uriah Pasha (“Appellant”) submitted a request to DOC for a copy of DOC’s administrative regulation “relating to the application of [c]redit on a prisoner’s sentence for [g]ood [b]ehavior pursuant to KRS 197.045(1)(b)(1).” DOC received the request on March 30, 2020. On the same day, Appellant initiated this appeal.<sup>1</sup>

On March 31, 2020, DOC denied the request based on KRS 197.025(2), as the administrative regulation did not contain a specific reference to Appellant. KRS 197.025(2) provides:

KRS 61.970 to 61.884 to the contrary notwithstanding, the department shall not be required to comply with a request for any

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<sup>1</sup> DOC argued that Appellant failed to perfect his appeal because he did not include DOC’s response to his request, as required by KRS 61.880(2)(a). However, Appellant initiated his appeal on the mistaken belief that DOC had failed to timely respond. But because DOC did not receive the request until March 30, 2020, its response denying the request on March 31, 2020, was timely. See KRS 197.025(7).

record from any inmate confined in a jail or any facility or any individual on active supervision under the jurisdiction of the department, unless the request is for a record which contains a specific reference to that individual.

Since an administrative regulation is not a record containing a specific reference to an individual inmate, DOC did not violate the Act by denying the request in reliance on KRS 197.025(2).

A party aggrieved by this decision may 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.

Daniel Cameron  
Attorney General

/s/ James M. Herrick

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Distribution:

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