



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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20-ORD-079

May 28, 2020

In re: James Harrison/Green River Correctional Complex

Summary: The Office of the Attorney General cannot adjudicate a dispute regarding a disparity, if any, between records that a requester seeks and those provided by the agency. Therefore, this Office cannot conclude that the Green River Correctional Complex (“Complex”) violated the Open Records Act (“the Act”).

Open Records Decision

On April 15, 2020, inmate James Harrison (“Appellant”) requested copies of “[a]ll documentation pertaining to having [him] placed in segregation on March 28, 2020, who authorized and/or who[se] name is on this document, the reason given, if any, and all other documents on this date 3/28/2020 or the week prece[d]ing that date, as to how long, protocol, etc. this is to continue pertaining to [him].”¹ In response, the Complex provided the detention order and inmate response dated March 28, 2020, and the warden’s procedural review dated April 8, 2020. This appeal followed.

¹ Appellant’s request for “who authorized and/or who[se] name is on this document” and the reason why he was placed in segregation, are requests for information. KRS 61.872(1) provides that a person has a right to inspect “public records.” KRS 61.870(2) broadly defines “public records,” but the definition does not include “information.” See *Dept. of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013). Regardless, the records the Complex provided contained the information Appellant sought.

On appeal, Appellant argues that the Complex's response was incomplete because his request was "much broader" than the records he received.² However, the Complex asserts that it has provided all identifiable responsive records. Appellant is merely asserting, without evidence, that more records should exist. This Office has routinely declined to adjudicate an appellant's assertion that additional records should exist where, as here, the agency has searched for and provided all responsive records and claims there are no additional records. *See, e.g.,* 19-ORD-234; 19-ORD-083; 03-ORD-61; OAG 89-81. Therefore, this Office cannot conclude that the Complex violated the Act.

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 proceedings.

Daniel Cameron
Attorney General

/s/ James M. Herrick

James M. Herrick
Assistant Attorney General

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Distribution:

James Harrison, #095435
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² Appellant also argued that the detention order is evidence of "the perpetration of a fraud and/or a violation of KRS 519.060," which pertains to the crime of tampering with public records. These issues, however, are outside the scope of an open records appeal.