



COMMONWEALTH OF KENTUCKY
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20-ORD-080

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In re: James Harrison/Fulton County Detention Center

Summary: Fulton County Detention Center (“the Center”) did not violate the Open Records Act (“the Act”) when it denied an inmate’s request for records that did not contain a specific reference to him.

Open Records Decision

James Harrison (“Appellant”) mailed a request for records to the Center seeking copies of records relating to an attorney’s previous visit to the Center. Appellant suggested that the Center’s visitation log would contain the requested information. The Center responded and denied the request pursuant to KRS 197.025(2), stating that it located and reviewed responsive records, but the records did not contain a specific reference to Appellant.¹ After the Center denied Appellant’s request to reconsider, Appellant initiated this appeal.

Under KRS 197.025(2), a correctional facility “shall not be required to comply with a request for any 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.” According to the plain text of the statute, an inmate is not entitled to any record that does not contain a specific reference to him. The fact

¹ The Center also asserted another exception in its denial. Because the Center’s reliance on KRS 197.025(2) is dispositive, this Office declines to address the Center’s alternative reason for denying the records.

that Appellant requested the records from a local jail, rather than a state penitentiary, is immaterial. *See e.g.*, 03-ORD-074 (holding that local jails may also rely on KRS 197.025(2) to deny an inmate's request for records that do not contain a specific reference to the requesting inmate.) Appellant is an inmate at Green River Correctional Complex, which is a "facility . . . under the jurisdiction of the department." KRS 197.025(2). On appeal, the Center states that the responsive records are a visitor's log that does not refer to Appellant, and a copy of the driver's license of the visiting attorney. Because neither record specifically refers to Appellant, the Center properly denied the request and did not violate the Act.

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.

Daniel Cameron
Attorney General

/s/ Marc Manley

Marc Manley
Assistant Attorney General

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