



COMMONWEALTH OF KENTUCKY  
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**20-ORD-093**

June 29, 2020

In re: Cory Weisser/Department of Corrections

**Summary:** Department of Corrections (“Department”) 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***

On April 30, 2020, inmate Cory Weisser (“Appellant”) made a request to Kentucky Centralized Inmate Commissary, Inc. (“KCIC”), for a copy of the Department’s current inmate canteen contract. The Department responded and denied the request pursuant to KRS 197.025(2), stating that the contract did not contain a specific reference to Appellant. On appeal, Appellant does not question the propriety of the Department’s responding on behalf of KCIC, but argues that he is entitled to the contract because he is an inmate.

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. Because a canteen contract does not specifically refer to individual inmates, the Department properly denied the request and did not violate 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

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Assistant Attorney General

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Distributed to:

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