



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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20-ORD-098

July 10, 2020

In re: Leonel Martinez/Kentucky State Penitentiary

Summary: Kentucky State Penitentiary (“Penitentiary”) did not violate the Open Records Act (“the Act”) in denying a request for information.

Open Records Decision

On June 11, 2020, inmate Leonel Martinez (“Appellant”) submitted the following request to the Penitentiary:

[I] Request [*sic*] the day and the staff who kicked me out of soft skills, trying to stop me from comply [*sic*] with any court deadline or response, so the case can be dismiss [*sic*].

The Penitentiary denied Appellant’s request on the grounds that he did not provide his inmate identification number, and that a public agency need not “honor a request for information.”

The Act does not require public agencies to fulfill requests for information, but only requests for records. KRS 61.872; *Dept. of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The ORA does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”). Here, the request was clearly one for information: the date an event occurred and the

identities of one or more staff members. Accordingly, the Penitentiary did not violate the Act by denying Appellant's request.¹

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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Distributed to:

Leonel Martinez, #216925
Amy V. Barker, Esq.
Ms. Catherine Weicht

¹ Because this issue is dispositive, this Office declines to address the Penitentiary's alternative basis for denial.