



COMMONWEALTH OF KENTUCKY
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20-ORD-101

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In re: Roy Jackson/Northpoint Training Center

Summary: Northpoint Training Center (“Center”) did not violate the Open Records Act (“the Act”) by denying an inmate’s request to inspect records in-person during the Covid-19 state of emergency. The Act does not require the Center to provide an inmate a copy of his medical file free of charge.

Open Records Decision

On June 12, 2020, Roy Jackson (“Appellant”) submitted a request to the Center to inspect copies of his medical records in-person. In the alternative, Appellant sought one free copy of his medical records under KRS 422.317. In a timely written response, the Center denied Appellant’s request to inspect his medical records in-person for the duration of the current Covid-19 state of emergency. The Center also denied Appellant’s request for a free copy of his medical records. The Center did not violate the Act.

In response to the state of emergency related to the coronavirus, the General Assembly passed Senate Bill 150 (“SB 150”), which extended the time for a public agency to respond to an open records request to ten days. Additionally, SB 150 § 1(8)(a) provides that “[a] public agency may delay on-site inspection during the pendency of the state of emergency.” SB 150 contained an emergency clause and became effective on March 30, 2020, upon the Governor’s signature. The General Assembly has specifically authorized public agencies to delay in-person inspection of records until the state of emergency ceases. Therefore, the Center did not violate the Act in denying Appellant’s request to

inspect records in-person and advising him to resubmit his request for in-person inspection at a later date.

Moreover, the Center was not required to provide Appellant a free copy of his medical file. KRS 422.317(1) requires licensed hospitals or health care providers to provide patients, upon written request, one free copy of his or her medical record. However, KRS 422.317(2) excludes the Department of Corrections from the definition of "health care provider." As a result, KRS 422.317 does not apply to the Center, which is a facility under the jurisdiction of the Department of Corrections. Kentucky courts have held that correctional facilities may charge inmates reasonable copying costs in providing copies of records under the Act. *See Friend v. Rees*, 696 S.W.2d 325, 326 (Ky. App. 1985). Accordingly, the Center 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.

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/s/ Marc Manley
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Assistant Attorney General

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Distributed to:

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