



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON  
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118  
700 CAPITAL AVENUE  
FRANKFORT, KENTUCKY 40601  
(502) 696-5300  
FAX: (502) 564-2894

**20-ORD-123**

August 14, 2020

In re: James Harrison/Green River Correctional Complex

**Summary:** Green River Correctional Complex (“Complex”) did not violate the Open Records Act (“the Act”) in denying requests for records that did not contain a specific reference to the requesting inmate. The Complex is not the custodian of records for private contractors Aramark Corporation (“Aramark”) and Keefe Corporation (“Keefe”) and did not subvert the intent of the Act by responding to requests that Appellant sent to the Complex rather than to Aramark or Keefe.

***Open Records Decision***

On June 26, 2020, inmate James Harrison (“Appellant”) submitted two open records request forms to the Complex via institutional mail. On one form, in the blank for “Name of State Agency,” Appellant wrote “Custodian of Records Aramark,” and he requested a copy of Aramark’s “Spring/Summer Menu.” On the other form, he listed the state agency as “Custodian of Records Keefe” and requested a copy of the “Keefe Commissary item list.” The Complex denied both requests under KRS 197.025(2), because the requested records did not contain a specific reference to Appellant. On appeal, Appellant claims that the Complex’s response was untimely, and that the Complex subverted the intent of the Act by responding to the requests when he was actually requesting records from Aramark and Keefe.

The Complex's response was timely. Under KRS 197.025(7), a correctional facility must respond to an inmate's request to inspect records within five business days. The record on appeal indicates that the Complex received Appellant's requests on June 30, 2020, and the Complex issued its response on July 7, 2020, the fifth business day after the Complex received the request. Therefore, the Complex did not violate the Act because it timely responded to the request.

Under KRS 197.025(2), the Complex need not produce records for an inmate's inspection "unless the request is for a record which contains a specific reference to that individual." Because neither the menu nor the commissary item list contains a specific reference to Appellant, the Complex did not violate the Act by denying the requests under KRS 197.025(2).

As for Appellant's argument that his requests were directed to Aramark and Keefe, not to the Complex, the record before this Office indicates that Appellant sent his requests to "Custodian of Records" via institutional mail. There is no basis to find that the Complex is the custodian of records for Aramark or Keefe, and Appellant did not attempt to send his requests to any address outside the Complex. Therefore, the Complex did not subvert the intent of the Act by responding to the requests it received. *See* KRS 61.880(4).<sup>1</sup>

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.

---

<sup>1</sup> Because Aramark and Keefe were not parties to the requests, they are not parties to this appeal. However, after the Complex forwarded a copy of this appeal to Keefe, Keefe submitted a response to this Office. Keefe verified that Appellant never sent his request to Keefe, and further asserted that Keefe is not a public agency under the Act because the funds it receives from the Complex "result from a contract that was obtained through a public competitive procurement process." *See* KRS 61.870(1)(h); *see also* 12-ORD-222 (finding that Aramark is not a public agency under the Act). While it appears that neither Aramark nor Keefe is a public agency, the Office need not reach this issue because it is unnecessary to the resolution of this appeal.

20-ORD-123

Page 3

Daniel Cameron  
Attorney General

/s/ James M. Herrick

James M. Herrick  
Assistant Attorney General

#220

Distributed to:

James Harrison, #095435

Amy V. Barker, Esq.

Ms. Gabby Walker