



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**20-ORD-141**

September 2, 2020

In re: Donald Hall/Luther Lockett Correctional Complex

**Summary:** Luther Lockett Correctional Complex (“Complex”) did not violate the Open Records Act (“the Act”) in requiring an inmate to use prescribed forms to request public records.

***Open Records Decision***

On July 22, 2020, inmate Donald Hall (“Appellant”) requested a copy of a recorded phone call, asking that the Complex mail it to a third party. The Complex returned Appellant’s request to him with a note stating that he must use the prescribed open records request forms. This appeal followed.

On appeal, Appellant claims that he resubmitted his request with the necessary forms, but the Complex improperly refused to mail the recording to the third party. However, in filing his appeal, Appellant did not attach a copy of the second request and response, as required by KRS 61.880(2)(a). Under 40 KAR 1:030 §1, “[t]he Attorney General shall not consider a complaint that fails to conform to . . . KRS 61.880(2), requiring the submission of a written request to the public agency and the public agency’s written denial, if the agency provided a denial.” Accordingly, this Office may only consider whether the Complex violated the Act as to Appellant’s first request.

501 KAR 6:020 § 1 incorporates by reference the Department of Corrections Policies and Procedures (“CPP”). Under CPP 6.1, an inmate must use a “Request to Inspect Public Records” form and an “Authorization to Use Inmate Account”

form to make an open records request. This Office has consistently upheld such requirements for inmate requests. *See, e.g.*, 11-ORD-047; 08-ORD-044; 06-ORD-078. Accordingly, the Complex did not violate the Act by requiring Appellant to resubmit his request using the prescribed forms.

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  
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/s/ James M. Herrick

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Distributed to:

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