



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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20-ORD-201

December 17, 2020

In re: William Aucott #132419/Kentucky State Penitentiary

Summary: Kentucky State Penitentiary ("Penitentiary") did not violate the Open Records Act ("the Act") in its response to Appellant's request to inspect records.

Open Records Decision

Inmate William Aucott ("Appellant") requested from the Penitentiary a copy of an Extraordinary Occurrence Report ("EOR") that documented an incident in which he was involved. Appellant also requested the sign-in log that documented the arrival of a Kentucky State Trooper who interviewed Appellant on June 27, 2020 and June 29, 2020. In its timely response, the Penitentiary denied the request because Appellant failed to complete and submit the necessary form to authorize the payment of copying costs. Appellant then filed this appeal. However, Appellant does not challenge the Penitentiary's denial of his request. Rather, Appellant claims that a Penitentiary employee changed the date on Appellant's original request. He asks this Office to "remind" Penitentiary employees of their obligations under the Act.

Appellant's request appears to have been dated October 23, but that date was altered to read "October 30." Appellant claims that the Penitentiary altered the date to ensure its response was timely. The Penitentiary denies altering the date. According to the Penitentiary, it simply stamped the request as received on November 5.

Although it is a serious charge to claim that an agency has fraudulently altered a request for records, and it should go without saying that a public agency has no authority to make such alterations, this Office is unable to resolve such factual disputes. *See, e.g.*, 16-ORD-251; 16-ORD-081; 15-ORD-129. Thus, this Office has no basis to find that the Penitentiary violated the Act.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/Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

William Aucott #132419
Courtney Martin
Amy V. Barker

¹ Appellant resubmitted his request with the required copying-cost authorization form. The Penitentiary issued a timely response denying the second request in part. The Penitentiary provided a copy of the EOR. It redacted from that record certain information that could pose a security threat. KRS 197.025(1). Because the Kentucky State Trooper who interviewed Appellant was in uniform when he arrived at the facility, he was not required to sign in. Accordingly, no sign-in log exists containing the trooper's signature.