



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-141

August 2, 2021

In re: Christopher Hawkins/Kentucky State Penitentiary

Summary: The Kentucky State Penitentiary (the “Penitentiary”) did not violate the Open Records Act (“the Act”) when it provided records it deemed responsive to an open records request.

Open Records Decision

Inmate Christopher Hawkins (the “Appellant”) submitted a request for records related to his medical screening when he was placed in the restrictive housing unit, and records displaying the first name of a specified doctor listed in his medical records. The Penitentiary provided records related to the Appellant’s medical screening, but denied the request as it pertained to records displaying the doctor’s first name. The Penitentiary claimed no such records were in its possession. The Appellant then initiated this appeal, alleging that the Penitentiary provided records he did not request, and that the Penitentiary should have provided a record displaying the doctor’s first name.

Regarding the Appellant’s first claim, the Penitentiary states it has provided all records responsive to the Appellant’s request. The medical records are dated May 29, 2021, with a notation that the Appellant had been placed in the restrictive housing unit two days earlier. The Appellant disputes that the screening occurred on May 29, 2021, and therefore he claims that the provided records are “fraudulent.” Thus, rather than claiming that additional records exist, the Appellant disputes the accuracy of the records he was provided.

The Penitentiary claims that there are no records other than those provided to the Appellant. Without any evidence that additional records responsive to this part of the Appellant's request exist, this Office cannot conclude that the Penitentiary failed to provide all responsive records. *See, e.g.*, 19-ORD-083.¹

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:

Chris Hawkins #103061
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¹ As for the Appellant's request for a document containing the name of the specified doctor, the Penitentiary has provided a record responsive to the request. Therefore, the Appellant's claim regarding this record is now moot. 40 KAR 1:030 § 6.