



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-147

August 9, 2021

In re: Lewis Davenport/Administrative Office of the Courts

Summary: The Administrative Office of the Courts is not subject to the Open Records Act (“the Act”).

Open Records Decision

Inmate Lewis Davenport (the “Appellant”) submitted a request to the Administrative Office of the Courts to obtain a copy of his criminal history record. After receiving no response from the Administrative Office of the Courts, Appellant submitted this appeal.

The Kentucky Supreme Court has held that the Act does not apply to the judicial branch, because “the custody and control of the records generated by the courts in the course of their work are inseparable from the judicial function itself, and are not subject to statutory regulation.” *Ex Parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). This Office has routinely found that Act does not apply to the Administrative Office of the Courts. *See, e.g.*, 17-ORD-027; 16-ORD-032; 02-ORD-24. Therefore, because the Administrative Office of the Courts is not subject to the Act, there is no basis for this Office to find that it violated the Act.¹

¹ The Administrative Office of the Courts claims that the Appellant did not submit an open records request, but instead submitted an “AOC-RU-109” form, which is a request for criminal history for purposes of obtaining an expungement. Rather than ignoring the Appellant, the Administrative Office of the Courts forwarded his form to the Kentucky State Police, which is the agency responsible for processing such requests. After this appeal was initiated, the

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
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Assistant Attorney General

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Distributed to:

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Laurie K. Dudgeon
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Administrative Office of the Courts worked with the Kentucky State Police to ensure that the proper information was delivered to the Appellant.