



COMMONWEALTH OF KENTUCKY
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21-ORD-155

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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 to the Penitentiary for copies of “all documentation entered into my medical records” by a specific provider on July 1, 2021. The Penitentiary provided records it deemed responsive to the request. The Appellant appealed, alleging the Penitentiary provided unresponsive records (for which the Appellant was charged) and failed to provide additional records sought by the Appellant.

In response to the Appellant’s request, the Penitentiary provided him with nine pages of records, some of which the Appellant deems unresponsive. It appears that the records provided are the standard report produced as a result of a “Health Services Encounter.” The Appellant requested “all documentation entered into my medical records” on the specified date, and that is exactly what he received.¹ See 21-ORD-152 (in which the Appellant asked

¹ The Appellant claims that the inclusion of unresponsive records resulted in him paying additional fees that he should not have been required to pay. Even if this Office were to agree with the Appellant that the Penitentiary provided unresponsive records, there is no authority under the Act for this Office to compel the Penitentiary to reimburse the Appellant.

for similar records and this Office rejected his similar arguments). Therefore, the Penitentiary did not violate the Act.²

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/Marc Manley
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Distributed to:

Chris Hawkins #103061
Amy V. Barker

² The Appellant claims the Penitentiary failed to provide a “medical refusal” submitted by the respective provider. Such records have now been provided to the Appellant, and therefore the Appellant’s claims related to those records are now moot. 40 KAR 1:030 § 6.