



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-175

September 21, 2021

In re: Christopher Sawyer/Kenton Circuit Court Clerk

Summary: The Open Records Act (“the Act”) does not apply to records of the Kenton Circuit Court Clerk (“Clerk”).

Open Records Decision

Christopher Sawyer (“Appellant”) requested certain documents from the Clerk relating to criminal cases in the Kenton Circuit Court. In response, the Clerk requested that the Appellant pay a copying fee of 25 cents per page. This appeal followed.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who is the custodian of the requested court records, was not required to respond to the request. *See* 98-ORD-6 (copy attached). Accordingly, this Office dismisses the appeal.

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 proceeding.

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Enclosure

Distributed to:

Christopher Sawyer, #76443315
John C. Middleton, Clerk