



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

21-ORD-193

October 13, 2021

In re: Daniel Zulawski/Office of the Attorney General

Summary: The Office of the Attorney General (the “Office”) did not violate the Open Records Act (“the Act”) when it required an applicant to provide a statement of Kentucky residency under KRS 61.872(2)(a).

Open Records Decision

On August 10, 2021, Daniel Zulawski (“Appellant”), an inmate of the Federal Medical Center, Devens, in Massachusetts, requested that the Office provide a copy of a Memorandum of Understanding between the Office and the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, relating to the Internet Crimes against Children Task Force Program. In a timely response, the Office denied the request because it did not include a statement that the Appellant was a resident of Kentucky. This appeal followed.

In the 2021 Regular Session, the General Assembly amended KRS 61.872(1) to limit the right of inspection of public records to “resident[s] of the Commonwealth.” KRS 61.870 was likewise amended to define “resident of the Commonwealth.” Under KRS 61.872(2)(a), “[t]he official custodian may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” Because the Appellant’s request did not contain a statement of the manner in which he was a Kentucky resident, the Office did not violate the Act when it denied his request.

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.

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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/ James M. Herrick

James M. Herrick
Assistant Attorney General

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Distributed to:

Daniel Zulawski, #22009-032
Chaz English, Esq.