



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-215

November 18, 2021

In re: Kyle Thompson/Hardin Circuit Court Clerk

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

Open Records Decision

Kyle Thompson (“Appellant”) requested certain records from the Clerk relating to his grand jury proceedings before the Hardin Circuit Court. The Clerk responded that the requested records were in the custody of the Commonwealth’s Attorney. The Appellant initiated this appeal, claiming that the Clerk is the custodian of the records.

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, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who, according to the Appellant, is the custodian of the requested records, was not required to comply with 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 within 30 days from the date of this decision. 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. The Attorney General accepts notice of the complaint through e-mail to OAGAppeals@ky.gov.

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/s/ James M. Herrick

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Enclosure

Distributed to:

Kyle Thompson, #248317
Loretta Crady, Clerk