



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-230

November 24, 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 copies from the Clerk of certain grand jury records of the Hardin Circuit Court. The Clerk responded that she was not the custodian of grand jury records and that the Appellant should contact the Commonwealth’s Attorney. 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, 624 (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 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 proceedings. The Attorney General will accept notice of the complaint e-mailed to OAGAppeals@ky.gov.

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Daniel Cameron
Attorney General

/s/ James M. Herrick

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Assistant Attorney General

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Enclosure

Distributed to:

Kyle Thompson, #248317
Loretta Crady, Clerk