



COMMONWEALTH OF KENTUCKY
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22-ORD-028

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In re: Jim Lang/Roederer Correctional Complex

Summary: The Roederer Correctional Complex (the “Complex”) did not violate the Open Records Act (“the Act”) when it denied an inmate’s request for records that did not make a specific reference to the requester.

Open Records Decision

Inmate Jim Lang (“Appellant”) submitted a request to the Complex for “copies of any Wellpath policy, procedure, protocol, memorandum or authority relating to the criteria for eligibility for an order for ‘scrub type’ uniforms.” In a timely response, the Complex denied the Appellant’s request because the records did not make a specific reference to him.¹ This appeal followed.

Under KRS 197.025(2), “the department shall not be required to comply with a request for any record from any inmate . . . unless the request is for a record which contains a specific reference to that individual.” KRS 197.025(2) is incorporated into the Act through KRS 61.878(1)(l), which exempts from inspection public records or information “the disclosure of which is prohibited

¹ The Complex originally cited to Kentucky Corrections Policy and Procedure (“CPP”) 6.1 § 2 as the authority to deny a request for records that do not reference the requester. On appeal, the Complex also relies on KRS 197.025(2). CPP 6.1 simply restates the exception under KRS 197.025(2), which is incorporated into the Act by KRS 61.878(1)(l). While a more appropriate response would have cited KRS 197.025(2) as the basis for the denial, the Complex nevertheless notified the Appellant that his request was denied because the records did not make a specific reference to him. Any error in failing to cite KRS 197.025(2) in its original response was cured by the Complex on appeal.

or restricted or otherwise made confidential by enactment of the General Assembly.”

Here, the Appellant requested “copies of any Wellpath policy, procedure, protocol, memorandum” which, as the Complex explained, are types of documents that do not contain any references to any individuals, let alone the Appellant. Accordingly, the Complex did not violate the Act.

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 emailed to OAGAppeals@ky.gov.

Daniel Cameron
Attorney General

/s/Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Jim Lang, #089449
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