



COMMONWEALTH OF KENTUCKY
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23-ORD-047

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In re: Leslie Haun/Luther Luckett Correctional Complex

Summary: The Luther Luckett Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it denied a request for records that do not contain a specific reference to the requesting inmate.

Open Records Decision

Inmate Leslie Haun (“the Appellant”) submitted a request to the Complex to inspect four specific ACA¹ “Standards of Reference.” The Complex denied the request under KRS 197.025(2) and KRS 61.878(1)(l) because the requested records do not contain a specific reference to the Appellant. This appeal followed.

On appeal, the Complex continues to assert that it is not required to provide the ACA “Standards of Reference” because they do not contain a specific reference to the Appellant. Under KRS 197.025(2), a correctional facility such as the Complex “shall not be required to comply with a request for any record from any inmate confined in . . . any facility . . . 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 “the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.” This Office has historically interpreted “specific reference” to require a record mention an inmate by name. *See, e.g.*, 22-ORD-119; 22-ORD-087; 17-ORD-119; 09-ORD-057; 03-ORD-150. Specifically, this Office has found that a record does not contain a “specific reference” to the requesting inmate

¹ “ACA” refers to the American Correctional Association, a private company that publishes a manual establishing industry standards for correctional facilities.

under KRS 197.025(2) simply because it is relevant to, pertains to, or personally affects him. *See, e.g.*, 22-ORD-087; 17-ORD-119; 17-ORD-073.

Here, the Complex states, “ACA standards are national standards generated by the association and used for accreditation by the association. They are not the type of records [that] contain a reference to a specific inmate.” On appeal, the Appellant argues the “Standards . . . are intended for each inmate as an individual and that individuals [*sic*] confidential health care needs.” Although these standards may affect the Appellant to some degree, it is undisputed that the standards do not specifically mention the Appellant by name. Thus, under KRS 197.025(2), the Complex was not required to provide the Appellant a copy of the record and it 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 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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s/ Zachary M. Zimmerer
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