



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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24-ORD-145

June 18, 2024

In re: Rebekah Atkins/Jefferson Circuit Court Clerk

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

Open Records Decision

On May 20, 2024, Rebekah Atkins (“Appellant”) submitted a request to the Clerk for copies of all “cases, records, documents in/with [the Appellant’s] name/identity, involves/pertains.” On May 22, 2024, the Clerk’s office issued a written response stating it was unable to locate any court records pertaining to the Appellant. This appeal followed.¹

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 was not required to respond to the request. *See* 98-ORD-6.² Accordingly, the Office dismisses the appeal.³

A party aggrieved by this decision may appeal it by initiating an 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

¹ In response to this appeal, the Clerk notes that his office personnel met with the Appellant on May 20, 2024, in an attempt to answer all her questions, and it could find no records responsive to her request.

² Further, it appears from the record on appeal that the Appellant resides in Indiana. Under KRS 61.872(2)(a), only a “resident of the Commonwealth” has the right to inspect public records under the Act. It is not clear whether the Appellant satisfies the residency requirement, though that is not the basis for the Office’s decision in this appeal.

³ The Office notes that the Supreme Court of Kentucky has adopted its own policies and procedures for requesting copies of court records from the judicial branch. Information on requesting court records is posted on the Court of Justice website at <https://www.kycourts.gov/Pages/open-records-request.aspx> (last accessed June 18, 2024).

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.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

Ms. Rebekah Atkins
David L. Nicholson, Clerk
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