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OFFICE OF THE ATTORNEY GENERAL

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24-ORD-170

July 30, 2024

In re: Uriah Pasha/Department of Corrections

**Summary:** The Department of Corrections (the “Department”) violated the Open Records Act (“the Act”) when it did not issue a notice to the requester containing the contact information of the Complex’s official records custodian as required by KRS 61.872(4).

***Open Records Decision***

Inmate Uriah Pasha (“Appellant”) submitted a request to the Department for a copy of his prescription “dietary menu.” The Appellant included an inmate money transfer authorization form to cover the cost of copying the record plus postage. In a timely response, the Department denied the request because the request did not comply with Corrections Policy and Procedure (“CPP”) 6.1 C.(1), which requires the Appellant to “provide a check from [his] inmate account after being informed of the cost to obtain a copy of the record.” This appeal followed.

On appeal, the Department claims that it inadvertently cited CPP 6.1 C.(1) instead of CPP 6.1 II.B.4. That policy requires an inmate to submit a request either “by institutional mail to the coordinator” or “by first class U.S. mail to the coordinator or custodian of the record.” But the Department does not specify with which policy the Appellant failed to comply. *See* KRS 61.880(2)(c) (“The burden of proof in sustaining the action shall rest with the agency.”). Regardless, the Office can only assume the Appellant did not direct his request to the agency’s records custodian or the custodian of the record.

KRS 61.872(4) requires an employee of any public agency to whom a request was sent in error to notify the requestor and provide the correct contact information for the agency’s records custodian. If an inmate submits a request to inspect records to an employee other than the correctional facility’s official custodian of records, the

correctional facility must notify the inmate of his or her error and provide the contact information for the records custodian. KRS 61.872(4); *see also* 22-ORD-041 (finding that a correctional complex violated the Act when it failed to notify the requester that his request was sent to the wrong person). Here, the Department failed to notify the Appellant that he sent his request to the wrong person or provide him with the contact information for the Department's official records custodian. Thus, the Department's response violated the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under 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](mailto:OAGAppeals@ky.gov).

**Russell Coleman**  
**Attorney General**

/s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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