



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-178

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In re: Scott McDonnell/Department of Corrections

Summary: The Office lacks jurisdiction to consider a complaint alleging that the Department of Corrections (“the Department”) violated the Open Records Act (“the Act”) because the Appellant has not submitted a request to inspect records.

Open Records Decision

Scott McDonnell (“Appellant”) submitted a request to the Department to interview a specific inmate. In response, the Department stated its media policy does not allow for this type of interview. This appeal followed.

Under KRS 61.880(2)(a), “If a complaining party wishes the Attorney General to review a public agency’s denial of *a request to inspect a public record*, the complaining party shall forward to the Attorney General a copy of the written request and a copy of the written response denying inspection.” Here, the Appellant has not provided a “request to inspect a public record” but rather, provided a request seeking permission to conduct an interview with an inmate. The Act does not require agencies to grant such requests. Rather, it only requires public agencies to *produce public records* for inspection. *See* KRS 61.872(2)(a) (requiring a request to inspect records to include, *inter alia*, a description of “the records to be inspected”). Accordingly, this Office lacks jurisdiction related to the Appellant’s request, and this appeal is therefore dismissed.

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.

Russell Coleman
Attorney General

/s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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