



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-202

September 24, 2024

In re: Jon Griggs/McCracken County Circuit Court Clerk

**Summary:** The Open Records Act (“the Act”) does not apply to the McCracken County Circuit Court Clerk (the “Clerk”).

***Open Records Decision***

Jon Griggs (“Appellant”) submitted a request to the Clerk for copies of certain correspondence, documents, and video related to a particular case. The Appellant further requested video of the courthouse lobby at a particular date and time. In a timely response, the Clerk denied the request because it is an “agency of the Kentucky Court of Justice” and is “not subject to statutory regulation,” including the Act.<sup>1</sup> This appeal followed.

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. Accordingly, the Office dismisses the appeal.<sup>2</sup>

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

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<sup>1</sup> The Clerk also advised the Appellant that it is not the custodian of the lobby video and that the Administrative Office of the Courts is the custodian of the requested record. *See* KRS 61.872(4).

<sup>2</sup> 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 September 24, 2024).

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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Distributed to:

Jon Griggs  
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