



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-257

December 3, 2024

In re: Kyle Thompson/Luther Luckett Correctional Complex

Summary: The Office cannot find that the Luther Luckett Correctional Complex (the “Complex”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the requester and the agency.

Open Records Decision

On October 18, 2024, inmate Kyle Thompson (“Appellant”) submitted, by mail, a request to the Complex to inspect certain emails related to him. On October 28, 2024, the Appellant initiated this appeal, claiming he had yet to receive any response from the Complex regarding his request.

Under the Act, a public agency “shall determine within five (5) [business] days . . . *after the receipt* of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” KRS 61.880(1) (emphasis added). The Office has found that an agency’s duty under the Act arises only after it receives a request to inspect records. *See, e.g.*, 21-ORD-019. On appeal, the Complex asserts it did not receive the Appellant’s request until October 22, 2024.¹ The Complex also asserts that, on October 28, 2024, “it timely provided Appellant with an opportunity to inspect responsive records[.]”

The Office has historically declined to resolve factual disputes, such as when a public agency received a request or if the requester received an agency’s response to

¹ As proof, the Complex provides a copy of the Appellant’s request, stamped “received” on October 22, 2024.

their request. *See, e.g.*, 23-ORD-071; 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. Accordingly, the Office cannot find the Complex 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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