



COMMONWEALTH OF KENTUCKY  
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24-ORD-277

December 23, 2024

In re: Demetrious Brown/Kentucky Department of Corrections

**Summary:** The Kentucky Department of Corrections (the “Department”) did not violate the Open Records Act (“the Act”) when it denied a request for records that do not contain a specific reference to the inmate requestor.

***Open Records Decision***

Inmate Demetrious Brown (“Appellant”) submitted a two requests to the Department seeking “MP3 Memo[s]” dated June 12 and June 21, 2024. The Department denied both requests because “[t]he record[s] [he] requested do[ ] not contain a specific reference to” him and are “exempt from disclosure to [him] under KRS 61.878(1)(l) and KRS 197.025(2).” This appeal followed.

Under KRS 197.025(2), which is incorporated into the Act by KRS 61.878(1)(l), the Department of Corrections “shall not be required to comply with a request for any record from any inmate confined in a jail or any facility . . . unless the request is for a record which contains a specific reference to that individual.” The Office has held that the phrase “specific reference to that individual” requires the record to refer to the requesting inmate by name. *See, e.g.,* 23-ORD-347; 17-ORD-073. Specifically, the Office has found a record does not contain a “specific reference” to a requesting inmate under KRS 197.025(2) simply because it is relevant to, pertains to, or personally affects him. *See, e.g.,* 22-ORD-087; 17-ORD-119; 17-ORD-073.

On appeal, the Department affirms that the requested records do not contain a “specific reference to the Appellant.” Thus, under KRS 197.025(1), the Department was not required to provide the Appellant a copy of the “MP3 Memo,” and it did not violate the Act when it denied his request.

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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