



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-015

January 15, 2025

In re: Kyle Thompson/Little Sandy Correctional Complex

Summary: The Little Sandy Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it denied an inmate’s request for employee emails that, if released, would constitute a security threat under KRS 197.025(1).

Open Records Decision

Inmate Kyle Thompson (“Appellant”) submitted a request to the Complex for “any and all emails relating to” him sent from a specific employee “to any other [Complex] employees” during a specific period. The Complex denied the request under KRS 197.025(1) because inmates possessing “copies of emails for staff and medical personnel that have dates and times has been deemed a security threat by the Warden.” This appeal followed.

Under KRS 197.025(1), “no person shall have access to any records if the disclosure is deemed by the commissioner of the department or his designee to constitute a threat to the security of the inmate, any other inmate, correctional staff, the institution, or any other person.” The Office has historically deferred to the judgment of correctional facilities in determining whether the release of certain records would constitute a security threat under KRS 197.025(1).

On appeal, the Complex explains that it “does not advise inmates in advance when they will be transported outside of the [Complex] because if they have advance notice they could potentially coordinate with friends and family on the outside to either facilitate an escape or smuggle contraband back to the prison.” The Complex further explains that the records at issue in this appeal, if released, would reveal such information. Although the Office has not previously addressed the assertion that records containing information about prospective transfers constitutes a security

threat under KRA 197.025(1), it has previously upheld denials of inspection of records that the correctional facility explained could facilitate escape or the smuggling of contraband. *See, e.g.*, 24-ORD-174 (upholding the denial of photographs that could “be used to create false identification and facilitate escape”); 24-ORD-055 (upholding the denial of body scan images that could reveal “where one could hide contraband to escape detection”); 23-ORD-083 (upholding an agency’s decision to not provide inmate with requested records on a disk because digital storage devices “can store information concerning escape [and] smuggling”). Here, the Complex has explained how release of the requested emails would pose a security risk. Accordingly, the Complex did not violate the Act when it withheld emails that would reveal an inmate’s prospective transfer and, if released, would pose a security risk under KRS 197.025(1).

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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