



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-026

January 30, 2025

In re: Jerry Eldridge/Little Sandy Correctional Complex

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

Open Records Decision

Inmate Jerry Eldridge (“Appellant”) submitted a request to the Complex that certain videos that pertain to him “be saved.” The Complex denied his request under KRS 197.025 and KRS 61.878(1)(l) because the requested records, if released, would constitute a security threat to other inmates, the institution, or its staff. This appeal followed.

Under KRS 61.880(2)(a), “[i]f 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” (emphasis added). Here, the Appellant did not provide a “request to inspect a public record”; rather, he requested that certain records be preserved. The Act does not require public agencies to grant such requests. Rather, the Act requires only that public agencies 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, the Office lacks jurisdiction to consider the Appellant’s complaint.

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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