



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-069

March 20, 2025

In re: Ben W. Richard, Jr./Department of Corrections

Summary: The 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 requesting inmate.

Open Records Decision

Inmate Ben W. Richard, Jr. (“Appellant”) submitted a request to the Department for records related to the “Federal Mandated Legal Aid Program.” Specifically, the Appellant requested data “relating to” the funding of four specified Department programs. The Department denied the request under KRS 61.878(1)(l) and KRS 197.025(2) because the records do not contain a specific reference to the Appellant. 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 records related to the “Federal Mandated Legal Aid Program,” 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:

Ben W. Richard, Jr. #199197
Michelle Harrison
Renee Day
Ann Smith