



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**22-ORD-013**

January 19, 2022

In re: Chris Hawkins/Kentucky State Penitentiary

**Summary:** The Kentucky State Penitentiary (the “Penitentiary”) did not violate the Open Records Act (“the Act”) when it provided records that it reasonably believed were responsive to an open records request.

***Open Records Decision***

Chris Hawkins (“Appellant”) submitted a request to the Penitentiary for “[a]ny grievance that [the Appellant] filed within the last 3 months regarding” a specific medical situation and the use of showers. In response, the Penitentiary explained that it had located four different grievances that were responsive to the Appellant’s request. The Penitentiary provided 17 pages of responsive records related to two of those grievances, but denied inspection of records related to the other two grievances under KRS 61.878(1)(i) and (j).<sup>1</sup> The Penitentiary noted that some records it provided to the Appellant “do not mention anything about” his concerns relating to the showers, but that the grievances have these “discrimination issues listed in them.” The Appellant now appeals, and claims that the Penitentiary has provided records that are unresponsive to his request. He also requests a refund of the copying fees he paid to the Penitentiary.

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<sup>1</sup> The Penitentiary claimed that two grievances responsive to the Appellant’s request are still “being investigated” and are still in the “preliminary phase[.]” The Appellant does not appeal the Penitentiary’s denial of these records.

On appeal, the Penitentiary reiterates that it was reasonable for it to believe that the records it provided to the Appellant were responsive to the Appellant's request because the two grievances it provided "dealt with issues regarding [the Appellant's medical situation] and issues with showers." This Office has found that an agency does not violate the Act when it provides records that a reasonable person could conclude are responsive to a request for records. *See, e.g.*, 21-ORD-152. Here, the Appellant's request was for "[a]ny grievance that [the Appellant] filed within the last 3 months regarding" the Appellant's specific medical situation and his concerns about the use of showers. The Penitentiary reasonably concluded that the records related to the two grievances it provided were responsive to the Appellant's request as framed.<sup>2</sup> Accordingly, this Office cannot find that the Penitentiary violated the Act.<sup>3</sup>

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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.

**Daniel Cameron**  
**Attorney General**

/s/Matthew Ray  
Matthew Ray  
Assistant Attorney General

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<sup>2</sup> In total, the Penitentiary provided the Appellant with 17 pages. There is no evidence that the Penitentiary intentionally provided large amounts of unresponsive records for purposes of charging an unreasonable fee or impeding the Appellant's effective review. *See, e.g.*, 07-ORD-105.

<sup>3</sup> The Appellant also asks the Office to order the Penitentiary to repay him the fees he incurred for the records that he claims were unresponsive to his request. However, this Office has previously found that it lacks the authority to compel public agencies to repay fees incurred by the requester. *See, e.g.*, 21-ORD-152.

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Distributed to:

Christopher Hawkins, #103061

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