



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-064

April 7, 2022

In re: Jacta E. Alea/Henry Circuit Court Clerk

Summary: The Open Records Act (“the Act”) does not apply to records of the Henry Circuit Court Clerk (the “Clerk”).

Open Records Decision

On March 8, 2022, Jacta E. Alea (“Appellant”) submitted a request to the Clerk for copies of records pertaining to his pending criminal case in the Henry Circuit Court. In response, the Clerk provided him a copy of the complete case file. On March 10, 2022, the Appellant requested a copy of the grand jury minutes or transcript pertaining to his case. The Clerk replied that her office was not the custodian of those records, and gave the Appellant the address and phone number of the Commonwealth’s Attorney’s office. This appeal followed.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who is the custodian of the requested court records, was not required to respond to the request. *See* 98-ORD-6 (copy attached). Accordingly, this Office dismisses the appeal.

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 e-mailed to OAGAppeals@ky.gov.

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Daniel Cameron
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/s/ James M. Herrick

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Assistant Attorney General

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Enclosure

Distributed to:

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Jennifer Rankin, Clerk