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**22-ORD-119**

May 31, 2022

In re: Kyle Thompson/Kentucky State Reformatory

**Summary:** The Kentucky State Reformatory (the “Reformatory”) did not violate the Open Records Act (“the Act”) when it denied a request for a copy of a record that does not contain a specific reference to the requesting inmate.

***Open Records Decision***

Inmate Kyle Thompson (“Appellant”) submitted a request to the Reformatory for “a copy of the memo from 11/14/2018,” which he described as a memorandum related to Native American religious items and prayer blankets. The Appellant stated that he was entitled to the memorandum because he is a Native American. In a timely response, the Reformatory denied the request under KRS 197.025(2) and KRS 61.878(1)(l) because the record “do[es] not contain a specific reference to” the Appellant. This appeal followed.

On appeal, the Reformatory continues to deny the request because it “is not required to provide a record that does not contain a specific reference to the inmate pursuant to KRS 197.025(2).” Under KRS 197.025(2), a correctional facility, such as the Reformatory, “shall not be required to comply with a request for any record from any inmate confined in . . . any facility . . . unless the request is for a record which contains a specific reference to that individual.” KRS 197.025(2) is incorporated into the Act through KRS 61.878(1)(l), which exempts from inspection public records that “the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.” This Office has historically interpreted

“specific reference” to require a record mention an inmate by name. *See, e.g.*, 22-ORD-087; 17-ORD-119; 09-ORD-057; 03-ORD-150. Specifically, this Office has found that a record does not contain a “specific reference” to the requesting inmate under KRS 197.025(2) if it only is relevant to, pertains to, or personally affects him. *See, e.g.*, 22-ORD-087; 17-ORD-119; 17-ORD-073.

Here, the Reformatory states that the record is a “general memo and does not contain a specific reference to” the Appellant. On appeal, the Appellant agrees that it “is a general population memo to all people in prison that are Native American.” However, the Appellant argues that the record pertains to him because he is “a person of Native American Decent [*sic*]” and the “memo pertains to Native American religions items.”<sup>1</sup> Although the memo may pertain to the Appellant and affect him to some degree, it is undisputed that the memo does not specifically mention the Appellant by name. Thus, the Reformatory was not required under KRS 197.025(2) to provide the Appellant a copy of the record and it did not violate the Act when it denied his request.

A party aggrieved by this decision may appeal it by initiating 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.

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<sup>1</sup> The Appellant states that the memo is about a “prayer blanket used for religious ceremonies and [] states the size of blankets [he] can order to use for [his] prayer ceremonies.” The Appellant also claims that “[d]enial of [his] religious items allowed per CPP, IPP, and the Federal Native American Spirituality Book, is discrimination towards [him] for [his] religious beliefs and [his] Native American decent.” The Reformatory disputes that the memo contains the “dimensions for a prayer blanket” and states that he can “contact the chaplain at his institution for this information.” The Reformatory also cites CPP 23.1 as the process for such requests. This Office has previously found that an appeal under the Act is not the proper forum for claims other than violations of the Act. *See, e.g.*, 21-ORD-256; 19-ORD-206; 19-ORD-188; 19-ORD-043; 18-ORD-039; 17-ORD-186.

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