



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON  
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118  
700 CAPITAL AVENUE  
FRANKFORT, KENTUCKY 40601  
(502) 696-5300  
FAX: (502) 564-2894

**23-ORD-027**

February 7, 2023

In re: Glenn Odom/Kentucky State Penitentiary

**Summary:** This Office cannot find the Kentucky State Penitentiary (“the Penitentiary”) violated the Open Records Act (“the Act”) when it provided what the requester considers to be an incomplete record.

***Open Records Decision***

On December 14, 2022, inmate Glenn Odom (“Appellant”) submitted five requests to the Penitentiary to inspect a variety of records.<sup>1</sup> Having received no response by January 5, 2023, the Appellant initiated this appeal.<sup>2</sup>

After the Appellant initiated this appeal, he informed this Office that the Penitentiary had provided records responsive to most of his requests. Now, he “only ha[s] an issue with one particular request.”<sup>3</sup> Specifically, the Appellant states he “received absolutely no mental health notes” that he alleges a specific doctor created.

---

<sup>1</sup> The requested records included all medical notes related to specified individuals, suicide watch log entries from specific dates, medical notes from specific individuals on specific dates, all grievances he filed since July 2022, all letters written to specific employees from January 1, 2022 to the date of the request, a specific “facility canteen receipt,” a specific vendor receipt, all property inventory forms from 2022, a segregation intake property form from a specific date, camera footage from two specific dates, and a specific letter written by the inmate.

<sup>2</sup> The Appellant also submitted five additional requests to the Penitentiary on December 28, 2022 and December 29, 2022. However, the Penitentiary’s response to those additional requests is not properly before the Office because the Appellant initiated his appeal before the Penitentiary’s deadline to respond to those requests had expired. *See, e.g.*, 20-ORD-175 (holding that, because KRS 61.880(2)(a) requires a person to provide a copy of her request and the agency’s response, or a copy of the request and an assertion that the agency failed to timely respond, the Office lacks jurisdiction to adjudicate appeals brought before the statutory deadline for the agency to respond). Accordingly, the Office can only consider the dispute regarding the Appellant’s requests submitted on December 14, 2022.

<sup>3</sup> Accordingly, any former dispute regarding these four requests is moot. *See* 40 KAR 1:030 § 6.

In its response, the Penitentiary claims to have provided 412 pages of records responsive to the Appellant's request for medical notes entered by four individuals. The Appellant admits he received 412 pages of records, but he claims they are "blank pages that have little to nothing on them and they were duplicates." This Office has long held that it cannot resolve factual disputes about whether all records responsive to a request have been provided, or whether requested records should contain additional content. *See, e.g.*, 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Consequently, this Office is unable to find the Penitentiary violated the Act when it provided what it considered to be all records responsive to the Appellant's request.

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](mailto:OAGAppeals@ky.gov).

**Daniel Cameron**  
Attorney General

s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

#011

Distributed to:

Glenn Odom #219489  
Amy V. Barker  
Lydia Kendrick  
Ann Smith