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23-ORD-044

February 27, 2023

In re: Donald Phillips/Lee County Adjustment Center

Summary: The Lee County Adjustment Center (“the Center”) violated the Open Records Act (“the Act”) when it failed to respond to a request under the Act within five business days.

Open Records Decision

On December 30, 2022, inmate Donald Phillips (“Appellant”) submitted a request for records to the Center for its “policy on inmate visits . . . post covid [*sic*].” The Appellant specified his request sought “any revisions, memos, etc. since January 2020.” On January 25, 2023, having received no response from the Center, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request to inspect records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” Here, the Appellant submitted a request to the Center on December 30, 2022, and he did not receive a response to that request. On appeal, the Center does not dispute that it received the Appellant’s request or offer any explanation as to why it failed to

respond to his request. Thus, the Center violated the Act when it failed to issue a response to a request under the Act within five business days.¹

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.

Daniel Cameron
Attorney General

s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Donald R. Phillips #149748
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G. Edward Henry, II

¹ After the appeal was initiated, the Center provided the Appellant access to the requested records. However, the Appellant initiated this appeal under KRS 61.880(4) alleging the Center's delay in responding to his request subverted the intent of the Act.