



COMMONWEALTH OF KENTUCKY  
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**23-ORD-051**

March 8, 2023

In re: Alex Burdette/Eastern Kentucky Correctional Complex

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

***Open Records Decision***

On January 23, 2023, inmate Alex Burdette (“Appellant”) requested to inspect the Complex’s strip search log for 4:00 p.m. to 5:00 p.m. on January 12, 2023, “with the names of inmates besides [the Appellant] redacted.” The Complex denied the request because disclosure of the records “would constitute a threat to the security of inmates, the institution, institutional staff, or others” under KRS 197.025(1). This appeal followed.

On appeal, the Complex no longer relies on KRS 197.025(1) but instead cites KRS 197.025(2), claiming the Appellant is not entitled to inspect the strip search log because “it did not contain a specific reference to him on January 12, 2023.” Under KRS 197.025(2), which is incorporated into the Act under KRS 61.878(1)(l), a correctional facility need not produce records for an inmate’s inspection “unless the request is for a record which contains a specific reference to that individual.” Here, because the strip search log does not contain a specific reference to the Appellant on the date specified in his request, the Complex did not violate the Act when it denied his request.<sup>1</sup>

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<sup>1</sup> Because the Complex changed the exemption on which it relied in response to this appeal, the Appellant has not challenged the Complex’s claim that the log does not contain a specific reference to him. Presumably the Appellant believes that it does, given that he requested the log for a specific time and date with all names but his own redacted. Regardless, whether the Appellant was actually

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.

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

s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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Distributed to:

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searched on the date specified in his request such that his name should appear in the log is a factual question this Office is unable to adjudicate. *See, e.g.*, 21-ORD-163.