



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**23-ORD-062**

March 20, 2023

In re: Glenn Odom/Kentucky State Penitentiary

**Summary:** This Office cannot find that the Kentucky State Penitentiary (the “Penitentiary”) violated the Open Records Act (“the Act”) when it provides proof it timely issued responses to requests to inspect records.

***Open Records Decision***

Inmate Glenn Odom (“Appellant”) claims he submitted to the Penitentiary five requests to inspect records, the first of which he submitted on January 27, 2023.<sup>1</sup> On February 14, 2023, the Appellant initiated this appeal, and claims he did not receive any response to any of his requests.

Under KRS 197.025(7), a correctional facility must respond to an inmate’s request to inspect public records within five business days of receiving it. On appeal, the Penitentiary claims it never received the requests the Appellant attached to his appeal. Instead, the Penitentiary states that between January 23, 2023, and February 13, 2023, it received from the Appellant four similar, but slightly different, requests, and it responded timely to each of them.<sup>2</sup> As proof, the Penitentiary submits copies of the requests it received from the Appellant and its timely responses to them.

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<sup>1</sup> The Appellant attached to his appeal request copies of five records requests he claims to have submitted to the Penitentiary. One request was dated January 27, 2023, two requests were dated February 9, 2023, and two requests were undated.

<sup>2</sup> The Penitentiary received the first request on January 23, 2023 and responded to it on January 30, 2023. The Penitentiary received three additional requests from the Appellant on February 10, 2023 and responded to them on February 13, 2023. Although the Penitentiary claims it never received a request similar to the Appellant’s fifth request, it responded to that request once it received the notice of appeal.

This Office has historically found it is unable to resolve factual disputes between a requester and a public agency, such as whether or not a requester received a response to his request. *See, e.g.*, 22-ORD-024; 21-ORD-233; 21-ORD-163. Therefore, this Office cannot find that the Penitentiary failed to issue a timely response to any of the Appellant's requests or that it violated the Act.

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](mailto:OAGAppeals@ky.gov).

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

s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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