



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-088

April 18, 2023

In re: Ben Richard/Luther Luckett Correctional Complex

Summary: The Luther Luckett Correctional Complex (“Complex”) did not violate the Open Records Act (“the Act”) when it denied a request seeking information rather than public records.

Open Records Decision

Inmate Ben Richard (“Appellant”) submitted a request to the Complex for “the name of the Dep[artment] and employee who use[d] the ‘Jaypay withdraw’ function on” January 29, 2023, to withdraw funds from his account. In a timely response, the Complex denied the request because it was “a request for information, not a record.”¹ This appeal followed.

On appeal, the Complex states that the Appellant’s request seeks “information concerning the name of the department and employee” instead of public records. This Office agrees. The Appellant’s request sought the name of an employee and that employee’s department. This request does not describe public records to be inspected, but rather, it seeks information. *See, e.g.*, 21-ORD-166 (an agency properly denied a request seeking “the names” of registered voters at particular addresses because the request sought information and did not describe public records to be inspected); 21-ORD-014 (same with respect to a request seeking “the total number” of unemployment claims filed). The Act does not require public agencies to fulfill requests for information, but only requests for records. KRS 61.872; *Dep’t of Revenue*

¹ The Complex also denied the request under KRS 197.025(2) because “the information” did not contain a specific reference to the Appellant. Additionally, and without explanation, the Complex denied the request under KRS 439.510, an exemption incorporated into the Act under KRS 61.878(1)(l). Regardless, because the Office agrees the Complex properly denied the request as one seeking information instead of actual public records, the Office declines to consider the Complex’s other reasons in support of its denial.

v. Eifler, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The ORA does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”). Accordingly, the Complex did not violate the Act when it denied the Appellant’s request as one seeking information rather than public records.

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 emailed to OAGAppeals@ky.gov.

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s/ Zachary M. Zimmerer
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Distributed to:

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