



COMMONWEALTH OF KENTUCKY
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23-ORD-089

April 18, 2023

In re: Corey Wooley/Kentucky State Penitentiary

Summary: The Kentucky State Penitentiary (the “Penitentiary”) did not violate the Open Records Act (“the Act”) when it denied a request under KRS 197.025(1) for security footage that if released would constitute a security threat.

Open Records Decision

Inmate Corey Wooley (“Appellant”) submitted to the Penitentiary a request for a copy of security camera footage recorded by a specific camera on a specific date and time. In a timely response, the Penitentiary denied his request under KRS 61.878(1)(l) and KRS 197.025(1) because it would be a “security risk” if the footage was released and it “cannot be redacted.” This appeal followed.

Under KRS 197.025(1), “no person shall have access to any records if the disclosure is deemed by the commissioner of the department or his designee to constitute a threat to the security of the inmate, any other inmate, correctional staff, the institution, or any other person.”¹ This Office has historically deferred to the judgment of the correctional facility in determining whether the release of certain records would constitute a security threat. In particular, this Office has upheld the denial of security footage multiple times. *See, e.g.*, 22-ORD-038; 18-ORD-074; 13-ORD-022; 10-ORD-055. The release of security footage poses a security risk because it may disclose the “methods or practices used to obtain the video, the areas of

¹ KRS 197.025(1) is incorporated into the Act under KRS 61.878(1)(l), which exempts from inspection “[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly[.]”

observation and blind spots for the cameras.” *See, e.g.*, 22-ORD-038; 17-ORD-211; 15-ORD-121; 13-ORD-022.

Here, the Penitentiary explained that “[s]ecurity camera video taken at the prisons contains information that may directly affect the security of the institution including methods or practices used to obtain the video, the areas of observation and blind spots for the cameras.” The Penitentiary further explained that “[i]t is impossible for [the Penitentiary] to redact the video and eliminate the security concerns.” Accordingly, the Penitentiary did not violate the Act when it withheld the surveillance video, because it has adequately explained how KRS 197.025(1) applied to the records withheld.²

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
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s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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² On appeal, the Appellant asks that the security footage he requested be preserved for legal purposes. However, his request is outside the scope of this Office’s review under KRS 61.880(2)(a). *See, e.g.*, 22-ORD-108; 20-ORD-067; 17-ORD-064; 15-ORD-121.