



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-121

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In re: Jamie Green/Green River Correctional Complex

Summary: The Green River Correctional Complex (“the Complex”) violated the Open Records Act (“the Act”) when it relied on an inapplicable exemption, and failed to explain how it applied, to deny the Appellant’s request to view his medical file alongside another inmate.

Open Records Decision

Inmate Jamie Green (“Appellant”) submitted a request to the Complex to inspect his “institutional medical file from March 3, 2023 to April 18, 2023,” while accompanied by another inmate. The Complex denied the request under KRS 197.025(2) and KRS 61.878(1)(l) because the records do not contain a specific reference to the inmate with whom the Appellant wanted to view the records. This appeal followed.

A correctional facility such as the Complex “shall not be required to comply with a request for any record *from* any inmate confined in . . . any facility . . . unless the request is for a record which contains a specific reference to *that* individual.” KRS 197.025(2) (emphasis added). KRS 197.025(2) is incorporated into the Act through KRS 61.878(1)(l), which exempts from inspection public records “the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.”

On appeal, the Appellant argues that KRS 197.025(2) does not support the Complex’s denial. He is correct. KRS 197.025(2) allows an agency to deny a request by an inmate for a record that does not specifically reference the requesting inmate. Here, the Complex does not claim the records the Appellant requested do not specifically reference *him*. It claims the medical files do not reference the other inmate with whom the Appellant wanted to inspect the records. Because that other

inmate was not the requestor, KRS 197.025(2) does not support the Complex's denial. Accordingly, the Complex violated the Act when it failed to cite an applicable exemption or explain how the exemption applied to the record withheld.¹

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.

Daniel Cameron
Attorney General

s/ Zachary M. Zimmerer
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Assistant Attorney General

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Distributed to:

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¹ On appeal, the Complex claims the Act does not require it to allow the Appellant to view his medical file alongside another inmate. The Complex cites 19-ORD-131 for the proposition that inmates must accept the nature of their confinement when seeking to inspect records, and that correctional facilities should be given latitude to address safety concerns unique to those institutions. While the Complex correctly addresses the substance of 19-ORD-131, it does not cite to any specific policy stating inmates jointly inspecting records may constitute a safety risk, or that either the Appellant or the other inmate poses a unique safety risk if they inspect the records together. Nor does the Complex state that either the Appellant or the other inmate are currently in segregated housing, or have otherwise had their movements restricted beyond normal confinement. Regardless, the Complex is nevertheless correct that an inmate does not have a statutory right to inspect records with any particular person, and therefore, the Office cannot find it violated the Act by denying the Appellant's request to inspect records *with another inmate*. Rather, such a request is more akin to an inmate asking the Complex for a privilege after responsive records are provided, and is therefore not subject to this Office's review.