



COMMONWEALTH OF KENTUCKY
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23-ORD-124

June 6, 2023

In re: Anthony Leeds/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 records that did not contain a specific reference to the inmate requester.

Open Records Decision

Inmate Anthony Leeds (“Appellant”) submitted two requests to the Complex for copies of records related to his nutritional requirements. First, the Appellant requested “a copy of anything and everything that has to do with the [p]rocedures for the Passover,” including a copy of the Passover and Seder menus. Second, the Appellant requested a copy of the high-fiber diet menu “for every week.” In a timely response, the Complex denied the requests under KRS 61.878(1)(l) and KRS 197.025(2) because the responsive records do not contain a specific reference to the Appellant.¹ This appeal followed.

Under KRS 197.025(2), 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) 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.” This Office has historically interpreted the phrase “specific reference” to require a record mention an inmate by name. *See, e.g.*, 22-ORD-119; 22-

¹ The Complex also denied the first request for procedures related to Passover under KRS 61.872(1) and (3), because it “is not required to honor a request for information.”

ORD-087; 17-ORD-119; 09-ORD-057; 03-ORD-150. This Office has previously found a record does not contain a “specific reference” to the requesting inmate under KRS 197.025(2) just because it is relevant to, pertains to, or personally affects him. *See, e.g.,* 22-ORD-087; 17-ORD-119; 17-ORD-073.

Similarly, here, although the requested records may pertain to the Appellant’s nutritional requirements, the Complex denied the requests because the records do “not contain a specific reference to” him. As a result, the Complex was not obligated, under the Act, to provide the Appellant a copy of those records.² Since the Complex was not obligated to provide the requested records to the Appellant, it did not violate the Act when it denied his requests.³

A party aggrieved by this decision may appeal it by initiating an 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
Attorney General

s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:
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² After the Appeal was initiated, the Complex located one record responsive to the Appellant’s first request “that contained a reference to” him, and provided him with a copy of that record “with the names of other inmates redacted.”

³ Since this Office found the records were properly denied under KRS 61.878(1)(l) and KRS 197.025(2) it is unnecessary to determine if the records were also properly denied under KRS 61.872(1) and (3).