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**23-ORD-127**

June 8, 2023

In re: Carlos Thurman/Green River Correctional Complex

**Summary:** The Green River Correctional Complex (the “Complex”) violated the Open Records Act (“the Act”) when it denied a request to inspect records that adequately described the records sought.

***Open Records Decision***

Inmate Carlos Thurman (“Appellant”) submitted a request to the Complex “to view any and all scanned documents” in KOMS from June 12, 2017, to March 6, 2023.<sup>1</sup> The Appellant specified his request was limited to “only all documents from government officials of the” Department of Corrections. In a timely response, the Complex denied his request under KRS 61.872(2) because he did not sufficiently describe the records he requested. The Complex invited the Appellant to “precisely describe” the records he sought because his request, as originally submitted, would lead to an “extensive amount of documents to search.” This appeal followed.

On appeal, the Complex continues to deny the Appellant’s request for failing to adequately describe the records he seeks. To invoke the statutory right to inspect records, a resident of the Commonwealth must submit to the public agency a written and signed application “describing the records to be inspected.” KRS 61.872(2)(a).<sup>2</sup> At

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<sup>1</sup> “KOMS” is the Kentucky Offender Management System, which contains the electronic version of an inmate’s offender file.

<sup>2</sup> The Complex now relies on KRS 61.872(3)(b) to deny the Appellant’s request. Under KRS 61.872(3)(b), a public agency is required to mail copies of records only “after [the requester] precisely describes the public records which are readily available within the public agency.” A description is precise “if it describes the records in definite, specific, and unequivocal terms.” 98-ORD-17 (internal quotation marks omitted). This standard is generally not met by requests that are unlimited in temporal scope or do not “describe records by type, origin, county, or any identifier other

a minimum, a request to inspect public records must describe those records in a manner “adequate for a reasonable person to ascertain the nature and scope of [the] request.” *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). A person wishing to inspect records must “describe the records he seeks so as to make locating them reasonably possible.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 855 (Ky. 2013). Indeed, the inmate requester in *Chestnut* asked to see his inmate file, excluding any confidential information, and the Supreme Court of Kentucky opined that the inmate “was required to do nothing more and, indeed, likely could not have done anything more because he could not reasonably be expected to request blindly, yet with particularity, documents from a file that he had never seen.” *Chestnut*, 250 S.W.3d at 662.

Here, the Appellant asked to “view any and all scanned documents” in KOMS from June 12, 2017, to March 6, 2023, that were “from government officials of the” Department of Corrections. The Appellant’s request is limited in both temporal scope and the type of record sought. There is little difference between his request and the inmate’s request in *Chestnut*, except the Appellant here has limited his request even further by specifying the applicable date range and the type of record—communications from officials from the Department of Corrections.<sup>3</sup> Therefore, the Complex violated the Act when it denied the Appellant’s request to inspect records.

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.

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than relation to a subject.” 13-ORD-077. Here, however, the Appellant requested to *view* records, *i.e.*, to exercise his right to in-person inspection under KRS 61.872(3)(a). He did not request *copies to be mailed* to him under KRS 61.872(3)(b).

<sup>3</sup> To the extent the Complex interpreted the Appellant’s request as one seeking every record in the entire KOMS regardless of the inmate file in which the records were located, that would be an unreasonable interpretation. The Complex is aware that, under KRS 197.025(2), inmates may only inspect records that make a specific reference to them, but it did not deny the Appellant’s request on that basis. Moreover, the Appellant states on appeal that he sought records in his KOMS file specifically.

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s/ Matthew Ray  
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Distributed to:

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