



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-226

August 25, 2023

In re: Alan Williams/Boyd Circuit Court Clerk

Summary: The Open Records Act (“the Act”) does not apply to records of the Boyd Circuit Court Clerk (“the Clerk”).

Open Records Decision

On June 3, 2023, Alan Williams (“Appellant”) submitted a request to the Clerk for a copy of a document he claimed to have filed with the Boyd Circuit Court in 2003. In response, the Clerk stated the requested document was not contained in the file identified by the Appellant. This appeal followed.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who is purportedly the custodian of the requested record, was not required to respond to the request. *See* 98-ORD-6. Accordingly, the Office dismisses the appeal.

A party aggrieved by this decision may appeal it by initiating an 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/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Enclosure

Distributed to:

Alan Scott Williams, #029415
Tracey L. Kelley, Clerk