



COMMONWEALTH OF KENTUCKY
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23-ORD-252

September 19, 2023

In re: William Aucott/ Northpoint Training Center

Summary: The Northpoint Training Center (“the Center”) did not violate the Open Records Act (“the Act”) when it did not provide records that are exempt from disclosure under federal law.

Open Records Decision

On August 3, 2023, inmate William Aucott (“Appellant”) requested copies of “all documentation” relating to a Prison Rape Elimination Act (“PREA”) complaint he had filed against the Center in 2019. The Center denied the request because records relating to PREA complaints and investigations are confidential and exempt from disclosure under KRS 61.878(1)(k), 28 C.F.R. § 115.61(b), and Corrections Policy and Procedure (“CPP”) 14.7(II)(J). This appeal followed.

The Appellant claims that, as “the Victim,” he has the right to obtain records relating to a PREA complaint made by him. He is incorrect. Under 28 C.F.R. § 115.61(b), a federal regulation incorporated into the Act by KRS 61.878(1)(k), “[a]part from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.” Under 28 C.F.R. § 115.73, the complaining inmate has the right to be informed “as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.” But the inmate has no right to obtain copies of records relating to the allegation. *See* 18-ORD-206 (finding that records relating to PREA complaints and investigations are confidential except for the purposes specified in 28 C.F.R. § 115.61(b)). Therefore, the Center did not violate the Act when it denied the Appellant’s request.

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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Distributed to:

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