



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

23-ORD-257

September 25, 2023

In re: Jacob Brannon/Western Kentucky Correctional Complex

Summary: The Western Kentucky Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it did not fulfill a request for information that failed to describe public records to be inspected.

Open Records Decision

On August 14, 2023, inmate Jacob Brannon (“Appellant”) requested “the full names of” two correctional officers. In a timely response, the Complex denied the request because “requests for information are outside the scope of the open records law and an agency is not required to honor a request for information.” This appeal followed.

The Act does not require public agencies to answer interrogatories or provide *information*. Rather, it requires public agencies to produce only extant *public records* for inspection. See KRS 61.872(2)(a) (a request to inspect records must include, among other things, a description of “the records to be inspected”); see also *Dep’t of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The [Act] does not dictate that public agencies must gather and supply information not regularly kept as part of [their] records.”). Here, the Appellant requested only information—the full names of two employees. Although that information may appear somewhere in the Complex’s records, the Appellant did not describe any public records he wished to inspect. Thus, the Complex had no duty under the Act to provide the requested information. Accordingly, the Complex did not violate the Act.

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. 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:

Jacob Brannon, #244944
Edward Baylous, Esq.
Ms. Sara Pittman
Ms. Ann Smith