



COMMONWEALTH OF KENTUCKY
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23-ORD-288

October 25, 2023

In re: James A. Campbell/Luther Luckett Correctional Complex

Summary: The Luther Luckett Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it denied an inmate’s request for a record that does not contain a specific reference to him.

Open Records Decision

Inmate James A. Campbell (“Appellant”) submitted a request the Complex for a “full” copy of the “MRT Program(s) Contract with Kentucky Department of Corrections and Napier Counseling, Inc.” In a timely response, the Complex denied the request under KRS 61.878(1)(l) and KRS 197.025(2) because the requested record does “not contain a specific reference to” the Appellant. 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 by 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.” The Office has historically interpreted “specific reference” to require a record mention the requesting inmate by name. *See, e.g.*, 22-ORD-119; 22-ORD-087; 17-ORD-119; 09-ORD-057; 03-ORD-150. The Office has previously found a record does not contain a “specific reference” to the requesting inmate under KRS 197.025(2) simply because it is relevant to, pertains to, or personally affects him. *See, e.g.*, 22-ORD-087; 17-ORD-119; 17-ORD-073.

Here, the Appellant requested a “full” copy of the “MRT Program(s) Contract with Kentucky Department of Corrections and Napier Counseling Inc.” The Complex denied the Appellant’s request under KRS 61.878(1)(l) and KRS 197.025(2) because the requested record does “not contain a specific reference to” the Appellant. On appeal, the Complex reiterates its denial of the request under KRS 61.878(1)(l) and KRS 197.025(2) and states that the requested “contract doesn’t contain a specific reference to the” Appellant. Accordingly, the Complex did not violate the Act when it denied the Appellant’s request because it is not required to provide him copies of public records that do not mention him by name.

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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s/ Matthew Ray
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Distributed to:

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