



COMMONWEALTH OF KENTUCKY  
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**23-ORD-290**

October 31, 2023

In re: Leslie Haun/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 deliver the requested records to the Appellant while he was housed in the segregation unit.

***Open Records Decision***

Inmate Leslie Haun (“Appellant”) submitted a request to the Complex for “health records entered in 2022 while at North Point Training Center.” The Complex denied the request because the Appellant’s current housing assignment did not allow him to move “freely about the institution” and because the Act does not require the Complex to hand deliver records to the Appellant’s cell. This appeal followed.

Under KRS 61.872(3), there are two ways a resident of Kentucky can inspect records—“[d]uring the regular office hours of the public agency” or “[b]y receiving copies of the public records from the public agency through the mail.” The Office has previously held that “an inmate must accept the necessary consequences of his confinement, including policies relative to application for, and receipt of, public records.” 95-ORD-105. When an inmate “is prohibited from freely moving about in the facility, and therefore cannot conduct an on-site inspection in the records office, the facility is under no obligation to bring the original records to his cell for inspection.” *Id.*

The Complex states the Appellant was in segregated housing at the time of his request and could not move freely about the institution. Accordingly, the Complex did not violate the Act when it did not hand deliver records to the Appellant.

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](mailto:OAGAppeals@ky.gov).

**Daniel Cameron**  
**Attorney General**

s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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Distributed to:

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