



COMMONWEALTH OF KENTUCKY
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In re: Kevin Adams/Eastern Kentucky Correctional Complex

Summary: The Eastern 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 October 24, 2023, inmate Kevin Adams (“Appellant”) requested “the name of the Capt. (Acting) or shift supervisor that authorized the strip search of the kitchen worker in the Kitchen on 8-21-22 between 9:00 AM – 10:00 AM.” He further stated “[t]here’s no name on the strip search log, just Capt. Office.” In a timely response, the Complex denied the request under KRS 197.025(2) and KRS 61.878(1)(l) because the strip search log did not contain a specific reference to the Appellant. This appeal followed.

On appeal, the Complex notes the Appellant did not request to inspect the strip search log, but only asked for “the name” of an individual. The Complex therefore asserts it need not honor the request because “requests for information are outside the scope of the open records law.”

The Act does not require public agencies to answer interrogatories or provide *information*. Rather, it requires public agencies to produce *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 name of the person who authorized a strip search. 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
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s/ James M. Herrick
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Assistant Attorney General

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Distributed to:

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