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24-ORD-014

January 22, 2024

In re: Meldrum G. Harvey/Green River Correctional Complex

Summary: The Green River Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it denied a request for a record that does not contain a specific reference to the inmate requester.

Open Records Decision

Inmate Meldrum G. Harvey (“Appellant”) submitted a request to the Complex for a copy of its contract with the Aramark Corporation to provide food services at the Complex. The Complex denied the Appellant’s request under KRS 197.025(2) because the record he requested does not contain a specific reference to him. The Appellant then initiated this appeal, claiming he is entitled to a copy of the record as a “third-party beneficiary” of the contract.

Under KRS 197.025(2), “the department shall not be required to comply with a request for any record from any inmate confined in a jail or any facility or any individual on active supervision under the jurisdiction of the department, unless the request is for a record which contains a specific reference to that individual.” “The department,” as used in KRS 197.025(2), refers to the Department of Corrections. *See* KRS 197.010(3). But the Office has long held that any correctional facility may invoke KRS 197.025(2), not just the Department of Corrections. *See, e.g.,* 10-ORD-198; 95-ORD-121. Moreover, the Office has held that an inmate is only entitled to inspect records that specifically reference him or her by name. *See, e.g.,* 22-ORD-119; 22-ORD-087; 17-ORD-119; 09-ORD-057; 03-ORD-150. A record does not contain a “specific reference” to the requesting inmate, within the meaning of 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 claims he is entitled to a copy of the contract because he is a “third-party beneficiary.” However, the Office has previously rejected that argument. *See, e.g.*, 04-ORD-202 (rejecting an inmate’s claim that KRS 197.025(2) does not apply to contracts for food services because he is a third-party beneficiary). Although it may be true that the Appellant benefits from the food services provided by Aramark under the contract, the Complex is not required to comply with his request because the contract does not specifically refer to him by name. KRS 197.025(2). As a result, the Complex 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 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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