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24-ORD-225

October 15, 2024

In re: David Christian/Justice and Public Safety Cabinet

Summary: The Justice and Public Safety Cabinet (the “Cabinet”) did not violate the Open Records Act (“the Act”) when it denied a request for records that do not specifically reference the requesting inmate.

Open Records Decision

Inmate David Christian (“Appellant”) submitted a request to the Cabinet for a copy of “the Department of Corrections Manuals.” In a timely response, the Cabinet denied the Appellant’s request under KRS 61.878(1)(l) and KRS 197.025(2) because the requested records do not contain a “specific reference” to him.¹ This appeal followed.²

Under KRS 197.025(2), which is incorporated into the Act by KRS 61.878(1)(l), the Department of Corrections, a department within the Cabinet, “shall not be required to comply with a request for any record from any inmate confined in a jail or any facility . . . unless the request is for a record which contains a specific reference to that individual.” The Office has held that the phrase “specific reference to that individual” requires that the record refer to the requesting inmate by name. *See, e.g.*, 23-ORD-347; 17-ORD-073. Specifically, the Office has found a record does not contain a “specific reference” to a requesting inmate under KRS 197.025(2) simply because it

¹ The Cabinet’s response specifically denies the Appellant’s request for “a copy of the Kentucky Department of Corrections Religious Reference Manual and the Kentucky Department of Corrections Classification Manual” because “the records are exempt from disclosure to [the Appellant] under KRS 61.878(1)(l) and KRS 197.025(2).”

² The Appellant specifically initiated this appeal claiming that the Cabinet’s response was “limited and perfunctory” because “it did not *Implicitly* or *Explicitly* explain how the ‘attorney client privilege’ exemptions applied to the records (emails) withheld.” However, neither the response he provides from the Cabinet denying his request nor its response on appeal indicate any denial of his records request for that reason.

is relevant to, pertains to, or personally affects him. *See, e.g.*, 22-ORD-087; 17-ORD-119; 17-ORD-073.

Here, the Cabinet states the requested manuals do not contain a “specific reference” to the Appellant. Thus, under KRS 197.025(1), the Cabinet was not required to provide the Appellant a copy of the manual and it did not violate the Act when it denied his 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
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/s/ Matthew Ray
Matthew Ray
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Distributed to:

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