



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-055

March 3, 2025

In re: James Harrison/Eastern Kentucky Correctional Complex

Summary: The Office cannot find that the Eastern Kentucky Correctional Complex (“the Complex”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties concerning receipt of a request for records.

Open Records Decision

On January 23, 2025, inmate James Harrison (“the Appellant”) allegedly submitted a request to the Complex for certain records relating to his medical treatment from January 15 to 23, 2025. Having received no response by February 4, 2025, the Appellant initiated this appeal.

Under KRS 61.880(1) and KRS 197.025(7), a correctional facility must respond within five business days after receipt of a request for records. Here, the Appellant claims the Complex failed to timely respond to his request. However, the Complex states it did not receive the request before receiving notice of this appeal on February 6, 2025. Because the Office cannot adjudicate disputed issues of fact, such as whether an agency received a request to inspect records, the Office cannot find that the Complex failed to respond in a timely manner. *See, e.g.*, 22-ORD-010. Accordingly, the Office cannot find that the Complex violated the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to 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.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distribution:

James Harrison, #095435
Michelle D. Harrison, Esq.
Ms. Renee Day
Ms. Ann Smith