



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-112

April 30, 2025

In re: William Cope/Kentucky State Penitentiary

Summary: The Kentucky State Penitentiary (“the Penitentiary”) did not violate the Open Records Act (“the Act”) when it declined to provide copies of records to the inmate requester without prepayment of reproduction charges.

Open Records Decision

Inmate William Cope (“Appellant”) submitted a request to the Penitentiary for a “[c]opy of [t]he [p]rotective [c]ustody [d]enial [f]rom [t]he [c]entral [o]ffice [c]lassification [c]ommittee[.]” The Appellant stated that he did not include prepayment of copying fees because of his “indigency status” and instead requested that a lien be placed on his inmate account. The Penitentiary denied his request because he failed to prepay a ten cents per page copying fee.¹ This appeal followed.²

The Act does not require a public agency, such as the Penitentiary, to provide a requester with free copies of records. Rather, under KRS 61.874(1), a public agency “may require . . . advance payment of the prescribed fee” for copies of public records. Consequently, the Appellant is entitled to receive a copy of public records only after “complying with the reasonable charge of reproduction.” *Friend v. Rees*, 696 S.W.2d 325, 326 (Ky. App. 1985). It is “entirely proper for [a correctional] facility to require prepayment, and to enforce its standard policy relative to assessment of charges to

¹ Specifically, the Penitentiary denied the Appellant’s request because he had insufficient funds in his account. According to the Appellant, his inmate account had a balance of two cents, the requested record consisted of one page, and the Penitentiary imposed a copying fee of ten cents per page. A ten cents per page copying fee is reasonable. *Friend v. Rees*, 696 S.W.2d 325 (Ky. App. 1985).

² The Appellant makes numerous allegations against the Penitentiary that are unrelated to the Act. The Office is unable to adjudicate these other allegations in the context of an open records appeal under KRS 61.880(2)(a) because the Office only has jurisdiction to determine whether the agency has complied with the Act. *See, e.g.*, 23-ORD-218.

inmate accounts.” 95-ORD-105. As a result, the Office cannot find that the Penitentiary violated the Act when it required prepayment of copying fees before providing the requested 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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