



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-204

July 30, 2025

In re: Jarrod Weiss/Western Kentucky Correctional Complex

Summary: The Western Kentucky Correctional Complex (“the Complex”) violated the Open Records Act (“the Act”) when it improperly denied a portion of a request for records as containing an imprecise description under KRS 61.872(3)(b).

Open Records Decision

Inmate Jarrod Weiss (“the Appellant”) submitted a request to the Complex seeking, in relevant part, “copies of all emails and correspondences to or from” six named individuals between February 1 and June 1, 2025, “that has [the Appellant’s] name on or in it.” The Complex denied the request on grounds that it did not “precisely describe[] the public records which are readily available within the public agency” as required by KRS 61.872(3)(b). This appeal followed.

The Complex states that after receiving notice of this appeal it “conducted a diligent search and located approximately 2,428 responsive and nonexempt records,” which it made available to the Appellant, upon payment of copying fees, “with limited and legally permissible redactions made.”¹ When a public agency locates the requested records based on the requester’s description and makes them available, it “waive[s] any argument that the request was insufficiently specific.” 19-ORD-214.

¹ In correspondence to the Appellant dated July 17, 2025, the Complex identified the redacted material as “personal information regarding other inmates under KRS 61.878(1)(a),” specifically “medical, educational, program, and risk assessment information”; “information, the disclosure of which would pose security risk under KRS 197.025(1)[.] relating to transfer procedures and considerations”; and “preliminary notes pursuant to KRS 61.878(1)(i) and preliminary memoranda under KRS 61.878(1)(j) pertaining to the final dispositions of grievances.” Because the Appellant brought this appeal solely on the basis of the Complex’s denial due to lack of a precise description, its subsequent redactions are not ripe for review.

Therefore, the Complex violated the Act when it initially denied the Appellant's request under KRS 61.872(3)(b) for failure to "precisely describe[]" the records.²

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

#309

Distributed to:

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² The Complex claims this appeal is moot because it has provided the requested records. Under 40 KAR 1:030 § 6, "[i]f the requested documents are made available to the complaining party after a complaint is made, the Attorney General shall decline to issue a decision in the matter." However, mootness only applies when the agency provides the records in their entirety, not redacted copies. *See, e.g.*, 23-ORD-313 n.2; 20-ORD-078; 12-ORD-046.