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25-ORD-279

September 26, 2025

In re: Uriah Pasha/Lee Adjustment Center

Summary: The Lee Adjustment Center (“the Center”) violated the Open Records Act (“the Act”) when it failed to state the specific exemption authorizing the nondisclosure of a public record. However, the Center did not violate the Act when it denied an inmate’s request for medical records of another inmate.

Open Records Decision

Inmate Uriah Pasha (“the Appellant”) submitted a request to the Center for various records relating to a disciplinary report, including a “medical documented psoriasis report” that pertained to another inmate. The Center granted the request in part, but withheld the other inmate’s “documentation on his medical condition” as disclosure of the record would be “a violation of HIPAA” and the Appellant does “not have ownership of another individual’s personal information.”¹ This appeal followed.

When a public agency denies a request for public records, “in whole or in part,” its response must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1). Here, the Center’s response asserted only that disclosure would be “a violation of HIPAA” with no further explanation in support of its denial of the inmate’s medical report. Therefore, the Center’s initial response violated the Act.

On appeal, however, the Center cites KRS 61.878(1)(a), which exempts from disclosure “[p]ublic records containing information of a personal nature where the

¹ The Center also denied the Appellant’s request for security camera footage under KRS 197.025(1) and redacted “inmate DOC numbers . . . for security purposes.” The Office has historically deferred to the judgment of correctional facilities generally in determining whether the release of certain records would constitute a security threat under KRS 197.025(1) and has consistently upheld the withholding of security camera footage in particular. *See, e.g.*, 24-ORD-190. In this appeal, however, the Appellant complains only as to the denial of the medical report.

public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” KRS 61.878 requires a balancing of interests between the public’s right to know what is happening within government and the personal privacy interest at stake in the record. *See Zink v. Commonwealth, Dep’t of Workers’ Claims*, 902 S.W.2d 825, 828 (Ky. App. 1994). The Office has consistently recognized a significant privacy interest in medical information that outweighs the ordinary public interest in disclosure. *See, e.g.*, 19-ORD-207; 18-ORD-186; 09-ORD-059; 06-ORD-209; 03-ORD-208. Accordingly, the Office has found an inmate is not entitled to obtain medical records of another inmate.² *See, e.g.*, 18-ORD-186. Here, the Appellant asserts he has an interest in obtaining the other inmate’s medical report because it was used as evidence against him in a disciplinary proceeding.³ However, “a personal interest in obtaining [records] does not equate to a preponderant interest on the part of the general public.” 18-ORD-178 (quoting 16-ORD-035). Therefore, the Center did not violate the Act when it denied the Appellant’s request for another inmate’s medical report on grounds of personal privacy.⁴

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

#474

² Although the Appellant claims the other inmate “has no objection” to the Appellant’s obtaining his medical records, he presents no evidence that he obtained a waiver from the other inmate or provided such a waiver to the Center.

³ The Appellant claims “the Constitution” entitles him to all records that were used in his disciplinary proceeding. However, the Attorney General is only authorized under KRS 61.880(2)(a) to adjudicate disputes arising under the Act. *See, e.g.*, 21-ORD-001 (declining to adjudicate issues unrelated to the Act); 24-ORD-152 (declining specifically to review “constitutional issues”).

⁴ Because inmate medical information is exempt from disclosure under KRS 61.878(1)(a), it is unnecessary to consider the Center’s alternative argument under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

Distributed to:

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