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25-ORD-312

October 15, 2025

In re: Brian Woodcock/Eastern Kentucky Correctional Complex

**Summary:** The Eastern Kentucky Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it redacted certain material from an inmate risk assessment under KRS 439.510 and copyrighted portions of the assessment under 17 U.S.C. § 106.

***Open Records Decision***

Inmate Brian Woodcock (“Appellant”) submitted a request to the Complex for a risk and needs assessment prepared through the Kentucky Risk Assessment System (“KyRAS”). The Complex denied the request because “reports and records prepared or gathered by probation or parole officers in the discharge of their official duties are exempt from disclosure and cannot be provided under KRS 439.510,” which is incorporated in the Act by KRS 61.878(1)(l). This appeal followed.

On appeal, the Complex no longer completely denies the Appellant’s request. Instead, the Complex now states that it “provided Appellant with a redacted copy of the responsive KyRAS Report, disclosing only its nonexempt portions.” As to the unredacted portions of the record, this appeal is moot. 40 KAR 1:030 § 6.

The Complex “redacted from the report the assessment tools, questions, responses, and scoring used,” as well as the “information gathered by probation and parole officers in the discharge of their official duties.” The Complex provides two grounds for their redactions.

First, the Complex relies on KRS 61.878(1)(k) to redact from the records the assessment tools, questions, responses, and scoring used in the Kentucky Risk Assessment System. The Complex asserts the material is exempt from disclosure

under the copyright protection provisions of 17 U.S.C. § 106, which is incorporated into the Act by KRS 61.878(1)(k). The Office previously has found that such material may be redacted under 17 U.S.C. § 106 and KRS 61.878(1)(k). *See, e.g.*, 22-ORD-095; 20-ORD-198; 19-ORD-144.

As discussed in 20-ORD-198, an agreement between the Department of Corrections and the University of Cincinnati Correctional Institute dictates that the Department of Corrections “shall not disclose or transfer in any form either the delivered [assessment tool] or any modifications of or derivative works based on the [assessment tool] to third parties.” The Office sees no reason to deviate from 20-ORD-198 and finds it dispositive. Thus, when the Complex redacted parts of the record under 17 U.S.C. § 106 and KRS 61.878(1)(k), it did not violate the Act.

Second, the Complex relies on KRS 439.510 to redact the Appellant’s responses used to complete his risk assessment. Under KRS 439.510:

All information obtained in the discharge of official duty by any probation or parole officer shall be privileged and . . . shall not be disclosed directly or indirectly to any person other than the court, board, cabinet, or others entitled under KRS 439.250 to 439.560 to receive such information, unless otherwise ordered by such court, board or cabinet.

The Office has found that an inmate’s responses on a risk assessment are not subject to inspection under KRS 439.510. *See, e.g.*, 20-ORD-198; 19-ORD-144; 17-ORD-022; 05-ORD-265; 01-ORD-120. The Appellant asserts that KRS 439.510 does not apply because the information was not obtained by “any probation and parole officer,” but rather, was obtained by a specific employee of the Complex. However, the Office has previously found that exempt information includes “information obtained in the discharge of official duty by any probation and parole officer,’ regardless of whether they are ‘prepared’ or ‘created’ by a probation and parole officer.” *See, e.g.*, 09-ORD-063. Regardless of who first obtained the information, because it was “obtained in the discharge of official duty by any probation and parole officer,” it is exempt under KRS 439.510. Therefore, the Center did not violate the Act by redacting those portions of the Appellant’s risk assessment.

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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