



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-324

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In re: Donald Van Winkle/Northpoint Training Center

Summary: The Northpoint Training Center (“the Center”) did not violate the Open Records Act (“the Act”), when it denied a request for records that do not contain a specific reference to the requesting inmate.

Open Records Decision

Inmate Donald Van Winkle (“Appellant”) submitted a request to Center for copies of “all hygiene prices wholesale and retail prices and cop[ie]s of all medication prices before and after markup on all items listed.” The Center denied the request under KRS 61.878(1)(l) and KRS 197.025(2) because the requested records do not “contain a specific reference to” the Appellant. This appeal followed.

Under KRS 197.025(2), the Department of Corrections “shall not be required to comply with a request for any record from any inmate confined in a jail or any facility . . . unless the request is for a record which contains a specific reference to that individual.” The Office has held that the phrase “specific reference to that individual” requires the record to refer to the requesting inmate by name.¹ *See, e.g.*, 23-ORD-347; 17-ORD-073. Specifically, the Office has found a record does not contain a “specific reference” to an inmate under KRS 197.025(2) simply because it is relevant to, pertains to, or personally affects him. *See, e.g.*, 22-ORD-087; 17-ORD-119; 17-ORD-073.

¹ KRS 197.025(2) is incorporated into the Act by KRS 61.878(1)(l), which exempts from disclosure “[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.”

Here, the Center, initially and on appeal, confirms that the requested records do not contain a “specific reference” to the Appellant.² Accordingly, under KRS 197.025(2), the Center was not required to grant the Appellant’s request and it did not violate the Act when by denying the request.

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:

Donald Van Winkle #304980
Michelle Harrison
Nathan Goens
Charles Bates
Sarah Talarigo
Ann Smith

² The Center, on appeal, explains it could have denied the request “because it asked for information or data rather than public records.” However, KRS 197.025(2) is dispositive, it is unnecessary to address the Center’s alternative argument.