



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE  
SUITE 200  
FRANKFORT, KY 40601  
(502) 696-5300

26-ORD-045

February 10, 2026

In re: Elliott Kirby/Department of Corrections

**Summary:** The Department of Corrections (“the Department”) did not violate the Open Records Act (“the Act”) when it denied a request for a record that does not contain a specific reference to the inmate requester.

***Open Records Decision***

Inmate Elliott Kirby (“Appellant”) submitted a request to the Department for copies of “the criteria utilized to determine who is eligible for treatment for a [specific medical condition] and policy or criteria on how the delivery of treatment is completed and any and all criteria on what excludes a person from treatment.” The Appellant also requested a “copy of the time frames in which treatment must begin or end.” The Department denied the Appellant’s request under KRS 197.025 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 found that the phrase “specific reference to that individual” requires the record to refer to the requesting inmate by name. *See, e.g.*, 23-ORD-347; 17-ORD-073. Thus, a record does not contain a “specific reference” to a requesting 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.

Here, the Appellant asserts that the requested records are relevant to him because he is “inflicted with” [*sic*] the medical condition to which the records relate. However, on appeal, the Department reaffirms that the requested records do not

contain a “specific reference” to the Appellant. Thus, under KRS 197.025(2), the Department was not required to grant the Appellant’s request for copies of the requested records, and it did not violate the Act when it denied his 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:

Elliott Kirby #228311  
Nathan Goens  
Charles Bates  
Sara Talarigo  
Ann Smith