



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-071

March 2, 2026

In re: Michelle Loy/Kentucky Correctional Institute for Women

Summary: The Kentucky Correctional Institute for Women (“the Institute”) did not violate the Open Records Act (“the Act”) when it complied with a request for records.

Open Records Decision

Inmate Michelle Loy (“the Appellant”) submitted a request to the Institute for a copy of the “Warden’s review on Appeal from” a disciplinary report. In a timely response, the Institute provided the requested record and charged the Appellant’s account 10 cents per page, the copying fee specified on the request form she had filled out. This appeal followed.

Under KRS 61.880(2)(a), a person may ask “the Attorney General to review a public agency’s denial of a request to inspect a public record” by “forward[ing] to the Attorney General a copy of the written request and a copy of the written response denying inspection.” Here, the Appellant provided a copy of the written request and the written response, but the Institute did not deny inspection of the requested record. Therefore, the Office cannot find that the Institute violated the Act.

Alternatively, under KRS 61.880(4), “[i]f a person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to the imposition of excessive fees, delay past the five (5) day period described in [KRS 61.880(1)], excessive extensions of time, or the misdirection of the applicant, the person may *complain in writing* to the Attorney General, and the complaint shall be subject to the same adjudicatory process as if the record had been denied” (emphasis added). Here, however, the Appellant has not “complain[ed] in writing” of any alleged subversion of the intent of the Act, but merely provided a copy of her request, the Institute’s response, and some unrelated documents pertaining to a declaratory judgment action seeking relief from her disciplinary action. Thus, to the extent the Appellant may have intended to initiate an appeal under KRS 61.880(4), she has not done so. Accordingly, this appeal is dismissed.

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

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Distributed to:

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