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OFFICE OF THE ATTORNEY GENERAL

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26-ORD-130

March 27, 2026

In re: Jeremy Brooks/Eastern Kentucky Correctional Complex

Summary: The Eastern Kentucky Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it redacted portions of records that do not contain a specific reference to the requesting inmate, under KRS 197.025(2), or when it redacted information that, if released, would pose a security threat under KRS 197.025(1).

Open Records Decision

Inmate Jeremy Brooks (“the Appellant”) requested “copies of any E-mails, memo’s, or any type of Eltronic [sic] communications sent to: or from:” 13 named employees of the Complex “that have [the Appellant’s] name in them from 09/30/25 until 01/05/26.” In a timely response, the Complex provided the requested records, consisting of 34 pages, but stated it had made “limited redactions . . . for the security of the institution per KRS 61.878(1)(l)¹ and KRS 197.025(1).” Specifically, the Complex stated “the disclosure of portions of the emails containing email addresses, full names of staff, and records of opinions and recommendations would constitute a threat to the security of the institution, institutional staff, or others.” This appeal followed.

After this appeal was initiated, the Complex reversed its decision to redact names and email addresses of staff members, and released the records to the Appellant with that information included. Therefore, as to the names and email addresses, this appeal is moot. *See* 40 KAR 1:030 § 6 (“If the requested documents are made available to the complaining party after a complaint is made, the Attorney General shall decline to issue a decision in the matter.”).

¹ KRS 61.878(1)(l) 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.”

According to the Complex, the remaining redactions consist of “only the names and institutional numbers of other inmates as well as information pertaining to those other inmates.” Under KRS 197.025(2), “the department shall not be required to comply with a request for any record from any inmate confined [in] any facility[,] unless the request is for a record which contains a specific reference to that individual.” When a request encompasses “portions of records [that] do not contain a specific reference to the requesting inmate,” those portions may be redacted. 16-ORD-092 (citing 04-ORD-071); *see also* 09-ORD-095. Thus, the names and institutional numbers of other inmates may be redacted under KRS 197.025(2), as they do not contain a specific reference to the Appellant. *See* 19-ORD-207.

With regard to other information pertaining to inmates other than the Appellant, KRS 197.025(1) provides that “no person shall have access to any records if the disclosure is deemed by the commissioner of the department or his designee to constitute a threat to the security of the inmate, any other inmate, correctional staff, the institution, or any other person.” Here, the Complex states it redacted “information related to the movement and location of other inmates as well as the resolution of disciplinary matters related to other inmates,” the disclosure of which “could leave other inmates at an increased risk of attacks, fights, or retaliation.”

The Office has historically deferred to the judgment of correctional facilities in determining whether the release of certain records would constitute a security threat under KRS 197.025(1), including the release to an inmate of information about another inmate. *See, e.g.,* 22-ORD-223. More specifically, the Office has upheld the redaction of information relating to the movement and location of other inmates and disciplinary records of other inmates. *See, e.g.,* 17-ORD-229; 16-ORD-070; 07-ORD-039. Therefore, under the facts of this appeal, the Office defers to the judgment of the Complex to determine that release of the redacted portions would pose a security threat under KRS 197.025(1). Therefore, the Complex did not violate the Act when it redacted portions of records containing information about other inmates.

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
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#50

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