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**26-ORD-138**

March 31, 2026

In re: Kelly Young/Oldham County Detention Center

**Summary:** The Oldham County Detention Center (“the Center”) violated the Open Records Act (“the Act”) when its initial response did not explain the basis of its denial. The Center did not violate the Act when it withheld records exempted by federal law.

***Open Records Decision***

On February 20, 2026, Kelly Young (“Appellant”) submitted a request to the Center seeking records containing particular “data elements” related to Immigration and Customs Enforcement (“ICE”) detainers dated from February 5, 2025, to February 5, 2026. Those “data elements” include the (1) “unique internal booking or inmate identification number,” (2) “[b]ooking date and time,” (3) “[d]ate and time the individual became eligible for release from criminal custody,” (4) “[a]ctual release date and time,” (5) “[a]n indicator reflecting whether an ICE detainer was present,” (6) “[d]ate and time the ICE detainer was received, if recorded by the jail, and (7) “[d]ate and time of transfer to ICE custody or expiration of any hold, if recorded.” The Appellant further stated that her request was limited to records created by the Center and does not seek “ICE-generated documents.”

In a timely response, the Center denied the request, stating that under 8 C.F.R. § 236.6,<sup>1</sup> “any information regarding Immigration and Customs Enforcement must be requested directly from Immigration and Customs Enforcement.” This appeal followed.

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<sup>1</sup> This federal regulation is incorporated into the Act by KRS 61.878(1)(k).

When a public agency denies a request for records, it must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1). The agency must “provide particular and detailed information” in giving its explanation, not merely a “limited and perfunctory response.” *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996). “The agency’s explanation must be detailed enough to permit [a reviewing] court to assess its claim and the opposing party to challenge it.” *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 81 (Ky. 2013). Thus, when the agency withholds records under KRS 61.878(1)(k), which applies to “public records or information the disclosure of which is prohibited by federal law or regulation or state law,” it must identify the provision of law that prohibits disclosure. *See Edmondson*, 926 S.W.2d at 858; *see also* 20-ORD-060; 97-ORD-178. Here, the Center cited 8 C.F.R. § 236.6 without explaining why the withheld records are exempt under that section. Therefore, the Center’s initial response violated the Act.

On appeal, the Center has elaborated on its reliance on 8 C.F.R. § 236.6. That regulation provides that “[n]o . . . state or local government entity . . . that houses, maintains, provides services to, or otherwise holds any detainee on behalf of the Service . . . shall disclose or otherwise permit to be made public the name of, or other information relating to, such detainee.” 8 C.F.R. § 236.6. Moreover, the regulation states that “[s]uch information shall be under the control of the Service and shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations and executive orders. Insofar as any documents or other records contain such information, such documents shall not be public records.”<sup>2</sup>

The Appellant argues that 8 C.F.R. § 236.6 is inapplicable because she seeks only records “created and maintained” by the Center. For its part, the Center explains that the “request clearly seeks information regarding detainees,” and 8 C.F.R. § 236.6 “does not differentiate based on the originating source of the records or information.” Rather, “if an agency houses federal ICE detainees, the agency cannot disclose information about those detainees.” The Center is correct. The Office previously held that immigration detainers and associated records were properly withheld under 8 C.F.R. § 236.6 and KRS 61.878(1)(k). *See, e.g.*, 17-ORD-159 (finding that 8 C.F.R. § 236.6 prohibited the agency from disclosing immigration detainers); *see also* 25-ORD-337. The present request provides no basis for the Office to depart from its prior holding. Rather, it is readily apparent that the Appellant has requested records including “the name of, or other information relating to, such detainee[s].”<sup>3</sup> Thus, the

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<sup>2</sup> As used in the regulation, “Service” means U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, or U.S. Immigration and Customs Enforcement. 8 C.F.R. § 1.2

<sup>3</sup> Alternatively, the Appellant argues the Center must separate exempt and nonexempt information and produce redacted records. *See* KRS 61.878(4). However, 8 C.F.R. § 236.6 provides, “Insofar as any documents or other records contain such information, such documents shall not be public records.” As a result, 8 C.F.R. § 236.6 does not allow a public agency to release redacted records.

requested records are exempt under KRS 61.878(1)(k) and 8 C.F.R. § 236.6. The Center did not violate the Act when it denied the Appellant's 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/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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Distributed to:

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