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26-ORD-170

April 21, 2026

In re: Jeremy Brooks/Kentucky State Penitentiary

Summary: The Kentucky State Penitentiary (“the Penitentiary”) did not violate the Open Records Act (“the Act”) by denying an inmate request for a copy of a record that does not contain a specific reference to him under KRS 197.025(2).

Open Records Decision

On March 2, 2026, Jeremy Brooks made a request to the Penitentiary for a copy of “the Kosher menu,” stating he is a “Kosher inmate that eats food off of a Kosher menu.” The Penitentiary received his request on March 4, 2026, and sent a timely response, explaining that “[f]ood menus do not contain a specific reference to you either by name/ID# so the record is exempt from disclosure to you under KRS 61.878(1)(l) and KRS 197.025(2).” This appeal followed.

Under KRS 197.025(2), the Department of Corrections (“the Department”) “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.”¹ The Appellant claims on appeal that he is entitled to receive a copy of the Kosher menu because he is a Kosher inmate and the Kosher menu lists the food that he is required to eat pursuant to applicable Department Policies and Procedures. However, the Office has consistently held that the phrase “specific reference to that individual” means the record must refer to the inmate requester by name. *See, e.g.*, 25-ORD-328; 23-ORD-124; 17-ORD-073. The Office has also found that 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.*, 23-ORD-124; 22-ORD-087; 17-ORD-119; 17-ORD-

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

073. Similarly, a general reference to “offenders” or “inmates” is not a “specific reference” within the meaning of KRS 197.025(2). 25-ORD-328.

Here, the Penitentiary confirms, both initially and on appeal, that the requested menu lacks a “specific reference” to the Appellant. For this reason, the Penitentiary did not violate the Act by denying the Appellant’s request under KRS 197.025(2).

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/ Michelle D. Harrison
Michelle D. Harrison
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Distributed to:

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