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26-ORD-466

October 15, 2026

In re: Matthew French/Oldham County Detention Center

Summary: The Oldham County Detention Center ("the Center") did not violate the Open Records Act ("the Act") when it withheld records that, if released, could pose a security threat to the safety of a correctional facility. However, the Center violated the Act when it withheld those records in their entirety, rather than redacting exempt information and making nonexempt information available.

Open Records Decision

On September 11, 2026, Matthew French ("the Appellant") submitted a request for to the Center. The Center received the request on September 12, 2026.[1] The request sought five categories of records concerning the Center's staffing. In a timely response, the Center denied the entire request pursuant to KRS 61.878(1)(l) and KRS 197.025(1). It stated that the release of the records concerning its staffing, rosters, vacancies, staffing plan, and shift assignments "poses a significant risk to the safety and security of the facility," because those records could expose security vulnerabilities or be used to plan acts against the institution. It denied the request in full. This appeal followed.

[1] Specifically, the Appellant sought: (1) All quarterly reports submitted by the Oldham County Jailer pursuant to KRSA 441.105 for calendar years 2025 and 2026, including reports identifying the number of jail personnel and personnel needs. (2) The current authorized staffing or position roster for the Center, showing the number of authorized positions by job classification or title. (3) The current number of filled and vacant positions at the Center, broken down by job classification or title, if maintained in that form. (4) Any current staffing plan, organizational chart, or similar record showing the number of personnel assigned to the Center. (5) If maintained as an existing record, the number of correctional or deputy jailer personnel normally assigned to each shift.

Under KRS 197.025(1), which is incorporated into the Act by KRS 61.878(1)(l), "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." The Office has historically deferred to the judgment of the correctional facility in determining whether the release of certain records would constitute a security threat. *See, e.g.,* 22-ORD-249.

The Office has upheld the denial of requests for records containing information about correctional facility staffing and security operations. *See, e.g.*, 25-ORD-049; 22 ORD-088; 08-ORD-148; 06-ORD-160; 04-ORD-180. The Center has explained that "release of records concerning its staffing, rosters, vacancies, staffing plan, and/or shift assignments poses a significant risk to the safety and security of the facility." The Appellant's request seeks records which would reveal how the Center is staffed and the number of personnel currently employed by it. The Center did not violate the Act when it withheld information which, if disclosed, could pose a security threat, includingstaffing information, shift assignments, and post-coverage information.

The same conclusion does not extend to every responsive record. KRS 441.105(1) requires the jailer to submit a quarterly report to the fiscal court concerning "the physical condition of the jail, the number of jail personnel and personnel needs, and other matters requested by the fiscal court." The Center's original response only pointed to revealing staffing and personnel information to justify its invocation of KRS 197.025(1). On appeal, the Center states only that "the quarterly reports contain information on [its] staffing and the physical condition of the facility which could, if made public, pose a significant security risk to the facility, staff, and inmates."

Without an explanation of how the portions of the quarterly report describing the physical condition of the Center poses a security risk, it is not apparent to the Office how the disclosure of such information would pose a security risk. Under KRS 61.880(2)(c), the burden of sustaining the denial rests with the agency. The Center has not carried its burden for the portions of the quarterly reports which describe the physical conditions of the Center.

Under KRS 61.878(4), "[i]f any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination." Thus, the Center was obligated to redact portions of its quarterly reports exempted by KRS 197.025(1) and to produce

copies of the policies with the nonexempt information. Because the Center withheld the quarterly reports in their entirety, rather than redacting the confidential information, its response violated the Act.

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:

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