

**197.025 Restrictions on access to inmate and facility records -- Appeal procedure --
Restrictions on access to policies and procedure.**

- (1) KRS 61.870 to 61.884 to the contrary notwithstanding, 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.
- (2) KRS 61.870 to 61.884 to the contrary notwithstanding, the department shall not be required to comply with a request for any record from any inmate confined in a jail or any facility or any individual on active supervision under the jurisdiction of the department, unless the request is for a record which contains a specific reference to that individual.
- (3) KRS 61.870 to 61.884 to the contrary notwithstanding, all persons confined in a penal facility shall challenge any denial of an open record with the Attorney General by mailing or otherwise sending the appropriate documents to the Attorney General within twenty (20) days of the denial pursuant to the procedures set out in KRS 61.880(2) before an appeal can be filed in a Circuit Court.
- (4) KRS 61.870 to 61.884 to the contrary notwithstanding, the Department of Corrections shall refuse to accept the hand delivery of an open records request from a confined inmate.
- (5) KRS 61.870 to 61.884 to the contrary notwithstanding, all records containing information expunged pursuant to law shall not be open to the public.
- (6) The policies and procedures or administrative regulations of the department which address the security and control of inmates and penitentiaries shall not be accessible to the public or inmates. The Administrative Regulations Review Subcommittee's review process for any of these policies and procedures or administrative regulations, which may be filed with the regulations compiler, shall be conducted in closed sessions and held confidential.
- (7) KRS 61.870 to 61.884 to the contrary notwithstanding, upon receipt of a request for any record, the department shall respond to the request within five (5) days after receipt of the request, excepting Saturdays, Sundays, and legal holidays, and state whether the record may be inspected or may not be inspected, or that the record is unavailable and when the record is expected to be available.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 139, sec. 8, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 11, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 345, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 406, sec. 4, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 334, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 418, sec. 4, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 211, sec. 45, effective July 14, 1992; and ch. 445, sec. 6, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 497, sec. 22, effective July 13, 1990.