

Kentucky Restricted Records

Background

The Kentucky Department for Libraries and Archives (KDLA) preserves and provides access to many types of public records created by state and local government. While most records are available for research, some are restricted by Kentucky law to protect personal privacy, confidentiality, or security. These restrictions may limit who can access the records and under what circumstances. In some cases, records may be released only to the person named in the file, an immediate family member, or with a court order. This handout explains the main categories of restricted records at KDLA and the laws that govern them.

The following records housed at KDLA are restricted by Kentucky law:

Adoption Records:

Under **KRS 199.570**, all adoption records are sealed to protect the privacy of adoptees and birth families. These records cannot be opened without a court order. Adults seeking adoption information must reach out to the Circuit Court where the adoption took place as well as the Cabinet for Health and Family Services (CHFS).

Juvenile Records:

Juvenile court and social service records are confidential under **KRS 610.320** and **KRS 620.050**. Only the child, their parents or guardians, attorneys, or others authorized by the court may see them. These laws protect the privacy of minors and families involved in juvenile cases. Please reach out to the Circuit Court where the case took place to submit a request.

Medical & Mental Health Records:

Medical records are protected by **KRS 422.317**, and patient files from state mental health facilities (such as Eastern State Hospital) are restricted under **KRS 194A.060** and **KRS 210.235**. The Health Insurance Portability and Accountability Act (**HIPPA**) is retroactive and is applied until 50 years after death. These records may only be released to the patient, a legal representative, or by court order.

Veteran Bonus Records (includes Spanish American War through Korean War)

Records relating to state-issued veteran bonuses are restricted only to protect personally identifiable information (PII), such as Social Security numbers, addresses, and service details. Access to these records is limited to the veteran, certain immediate family members, authorized representatives, or by court order. For research purposes, KDLA may provide redacted copies with all PII removed when allowed.

Educational Records:

Educational records are protected by the Family Educational Rights and Privacy Act (**FERPA**) and by Kentucky law (**KRS 160.700–.730**). These laws protect the privacy of student records such as transcripts, grade reports, and disciplinary files. Parents have the right to review their

child's records until the student turns 18. After that, only the student can authorize release. If the student dies before the age of 18 years, the parents reserve the right to the record until their deaths. Records Prior to 1925 can be released without a certified death certificate of the student unless they include health information which is not released until 50 years after death. Any record after 1925 must have a certified death certificate.

Pardon Applications & Clemency Records:

Pardon applications submitted to the Governor's Office are confidential under Kentucky law (**KRS 439.450 and KRS 439.510**). They contain sensitive personal information about the applicant and are not available to the general public in their full form. Redacted versions, with all PII removed, may be accessed by anyone for research or informational purposes. If the applicant or a person on behalf of the applicant provides their ID and a written consent form, an unredacted version may be provided.

Access

Access to restricted records at KDLA depends on the type of record and the laws that protect it. In most cases, you must provide proof that you are eligible to view the record, such as being the person named in the file, a legal representative, or an immediate family member. Some records require a **court order** or written consent from the record subject. For records that contain personally identifiable information (PII), KDLA may provide **redacted copies** for public research depending on the record type. Staff can explain the specific process for each type of record and guide you to the appropriate state agency to request access.

For remote access, or to place an order for records, refer to our website at kdla.ky.gov. For questions about how to request restricted records and further guidance call our Research Room at (502) 564-1770.

Other Sources

Consider any of the following institutions for more information when researching restricted records in Kentucky.

- **Kentucky Cabinet for Health and Family Services (CHFS):** Adoption records & juvenile records. Website: <https://chfs.ky.gov>. Records Officer: Matt Hall, (502) 229-6957, matt.hall@ky.gov.
- **Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID):** Records from state mental health and developmental facilities, including Eastern State Hospital and other behavioral health institutions. Website: <https://dbhdid.ky.gov>. Records Officer: Matt Hall, (502) 229-6957, matt.hall@ky.gov.
- **Kentucky Historic Institutions:** Provides access to historic records from Kentucky institutions, including school, hospital, and institutional records. Website: <https://kyhi.org/>.