



COMMONWEALTH OF KENTUCKY
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20-ORD-127

August 18, 2020

In re: William Boyer/Luther Lockett Correctional Complex

Summary: Luther Lockett Correctional Complex (“Complex”) did not violate the Open Records Act (“the Act”) in denying access to e-mails transmitted between private parties and an inmate using the JPay e-mail service.

Open Records Decision

On May 21, 2020, William Boyer (“Appellant”) requested copies of certain e-mails that he had exchanged with private parties on JPay, an e-mail system to which he has access as an inmate. The Complex denied the request, citing KRS 61.878(1)(p) and stating that JPay personal e-mails “are communications of a purely personal nature unrelated to any governmental function and a copy does not have to be provided.” This appeal followed.

In 20-ORD-109, this Office determined that JPay e-mails between inmates and private parties are not “public records” within the meaning of KRS 61.870(2) unless the correctional facility stores them digitally on publicly-owned equipment, keeps a paper copy, or uses them for some administrative purpose.¹ Because the record before this Office includes no suggestion that the specific e-mails sought by Appellant are “prepared, owned, used, in the possession of, or retained by” the Complex, they are not public records. Thus, the Complex did not violate the Act by denying the request. KRS 61.870(2).

¹ A copy of 20-ORD-109 is attached for reference.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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.

Daniel Cameron
Attorney General

/s/ James M. Herrick

James M. Herrick
Assistant Attorney General

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Enclosure

Distributed to:

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