



COMMONWEALTH OF KENTUCKY
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20-ORD-176

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In re: Michael Vaughan/Eastern Kentucky Correctional Complex

Summary: Eastern Kentucky Correctional Complex (“Complex”) did not violate the Open Records Act (“the Act”) when it sought to charge a reasonable fee for certain records.

Open Records Decision

On September 28, 2020, inmate Michael Vaughan (“Appellant”) requested copies of certain JPay e-mails. The Complex denied the request because Appellant had insufficient funds in his inmate account to pay 10 cents per page. This appeal followed.

Appellant claims that the Act requires public agencies to provide records to indigent inmates “regardless of ability to pay” if the records relate to “ongoing legal actions.” Such a claim, however, has no basis in the text of the Act. Rather, the Act provides that “[w]hen copies are requested, the custodian may require . . . advance payment of the prescribed fee[.]” KRS 61.874(1). In addition, Kentucky courts have held that correctional facilities may charge inmates reasonable copying costs to provide copies of records under the Act. *See Friend v. Rees*, 696 S.W.2d 325, 326 (Ky. App. 1985). Accordingly, the Center did not violate the Act.

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 proceeding.

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