



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

20-ORD-132

August 20, 2020

In re: Clester Mullins/Luther Lockett Correctional Complex

Summary: The Luther Lockett Correctional Complex (“Complex”) did not violate the Open Records Act (“the Act”) in denying a request for JPay emails sent from a private party to an inmate.

Open Records Decision

On June 3, 2020, Clester Mullins (“Appellant”), an inmate at the Complex, requested that the Complex provide a copy of a JPay email he received from a private party. In a timely response, the Complex denied the request. This appeal followed.

Since the initiation of this appeal, this Office issued a decision finding that JPay emails exchanged between inmates and private parties generally are not “public records” within the meaning of KRS 61.870(2). *See* 20-ORD-109 (copy enclosed). The JPay emails Appellant has requested were neither sent to nor received by the Complex or any other public agency. There is also no evidence in the record that suggests the Complex has used these emails for any administrative purpose to bring them within the statutory definition of a “public record.” KRS 61.870(2). Accordingly, the JPay emails Appellant has requested are not public records and the Complex did not violate the Act by denying the request.

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

20-ORD-132

Page 2

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/Marc Manley
Marc Manley
Assistant Attorney General

#173

Distributed to:

Clester Mullins, #244866
Amy V. Barker