



COMMONWEALTH OF KENTUCKY
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23-ORD-102

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In re: Quincy Bailey/Green River Correctional Complex

Summary: The Green River Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it denied a request for JPay emails exchanged between private parties because such records are not “public records” under KRS 61.870(2).

Open Records Decision

On March 6, 2023, inmate Quincy Bailey (“Appellant”) requested copies of certain messages sent by the Appellant to private individuals through the JPay email service. The Complex denied the Appellant’s request on the grounds that the emails were “[c]ommunications of a purely personal nature unrelated to any governmental function” under KRS 61.878(1)(r).¹ This appeal followed.

On appeal, the Complex claims the requested emails are not public records. In 20-ORD-109, this Office found JPay emails exchanged between inmates and private parties generally are not “public records” under KRS 61.870(2). Here, as in 20-ORD-109, there is no indication in the record that the requested emails are “prepared, owned, used, in the possession of or retained by a public agency” within the meaning of KRS 61.870(2). Accordingly, the requested messages are not public records and the Complex did not violate the Act when it denied the request.²

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 within 30 days from the date of this decision. 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

¹ The Complex incorrectly cited this subsection as KRS 61.878(1)(p).

² Because the Appellant did not request copies of public records, it is unnecessary to consider the Complex’s alternative argument that the records are exempt under KRS 61.878(1)(r).

action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

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s/ James M. Herrick
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