



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-062

March 10, 2025

In re: Dante Stone/Eastern Kentucky Correctional Complex

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

***Open Records Decision***

Inmate Dante Stone (“Appellant”) submitted a request to the Complex seeking “JPay videograms” sent at particular times on February 17, 2022. The Complex denied the request because the request records “are not public records” under the Act. This appeal followed.

On appeal, the Complex explains that “instant mail” is provided through JPay. In 20-ORD-109, the Office found JPay emails between inmates and private parties generally are not “public records” under KRS 61.870(2). The Appellant claims the records are attached to “Judicial Conduct Commission Complaints and Clerks Office Commission complaints” and will “be filed as Judicial Notice Evidentiary Attachments” and “attachments to a Gubernatorial Pardon Application Packet.” But those assertions do not show that the records have been “prepared, owned, used, in the possession of, or retained by” the Complex. KRS 61.870(2). Here, as in 20-ORD-109, the record does not indicate that the requested records 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 “JPay videograms” are not public records, and the Complex did not violate the Act when it denied the request.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under 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. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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Distributed to:

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