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26-ORD-092

March 12, 2026

In re: Carlos Thurman/Southeast State Correctional Complex

**Summary:** The Southeast State Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it denied a request for copies of inmate video visit recordings that are purely personal communications under KRS 61.878(1)(s).

***Open Records Decision***

Inmate Carlos Thurman (“Appellant”) submitted a request to the Complex for a copy of “the recording of the video visit” he had on a particular date. The Complex denied the request because the requested record “is not retained by [the Complex]” and “the holder of the requested documentation if it does exist would be” Securus Technologies, Inc. (“Securus”). The Complex provided the mailing address of Securus to the Appellant. This appeal followed.

On appeal, the Complex explains that the video requested by the Appellant is not a public record within the meaning of KRS 61.870(2). Opposing the Complex’s argument, the Appellant claims the recordings are “public records” because the Complex has access to the video. But an agency’s mere “access” to electronic records, without more, does not make them “public records” for purposes of the Act. See 22-ORD-131. Rather, under KRS 61.870(2), “public record” includes “all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency.”

The Complex asserts that the video visit recording is akin to JPay emails between inmates and private parties, which the Office has found are generally not “public records.” See 20-ORD-109. However, in a similar appeal, the Office has found

that “video visit records” in possession of Securus were “owned” by the public agency<sup>1</sup> and, therefore, were “public records” under KRS 61.870(2). *See* 23-ORD-344. There, the Master Services Agreement between the public agency and Securus stated that the public agency “retain[s] custody and ownership of all recordings.” Thus, the Office held that the video visit recordings were “public records” because they were *owned* by the public agency. Here, though, the Office is not in possession of the relevant services agreement between the Complex and Securus, meaning the Office cannot resolve the dispute regarding their status as public records. Nevertheless, even if the video visit recording in question is a public record, it is exempt from disclosure.

Here, the recording the Appellant requested are not communications of public agencies or their employees, but personal communications between an inmate and third parties. As the Supreme Court of Kentucky has noted, “the policy of disclosure is purposed to subserve the public interest, not to satisfy the public’s curiosity.” *Ky. Bd. of Exam’rs of Psychologists v. Courier-Journal & Louisville Times Co.*, 826 S.W.2d 324, 328 (Ky. 1992). This public interest “focuses on the citizens’ right to be informed as to what their government is doing.” *Zink v. Commonwealth, Dep’t of Workers’ Claims*, 902 S.W.2d 825, 829 (Ky. App. 1994). Thus, under KRS 61.878(1)(s), “[c]ommunications of a purely personal nature unrelated to any governmental function” are exempt from public disclosure. Because the content of inmates’ private communications is purely personal and unrelated to any governmental function, the recordings the Appellant seeks are exempt under KRS 61.878(1)(s). *See* 23-ORD-344. Thus, the Complex did not violate the Act when it denied the Appellant’s 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](mailto:OAGAppeals@ky.gov).

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

/s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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<sup>1</sup> The public agency in that decision was a county jail, not a state correctional facility.

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Distributed to:

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