



STATE OF INDIANA

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September 15, 2005

Michael Hunt
DOC # 961894
Indiana State Prison
P.O. Box 41
Michigan City, IN

Re: Formal Complaint 05-FC-167; Alleged Violation of the Access to Public Records Act by the Indiana Department of Correction

Dear Mr. Hunt:

This is in response to your formal complaint alleging that the Indiana Department of Correction ("DOC") violated the Access to Public Records Act by failing to respond to your request for records.

BACKGROUND

In your formal complaint, filed August 16, 2005, you stated that you filed a request for records with the DOC on July 29, 2005. As of August 10, 2005 you had not received a response from the DOC.

Mr. Robert D. Bugher, Legal Services Director, responded to your complaint on behalf of the DOC by letter dated September 14, 2005. A copy of that letter is enclosed for your reference. Mr. Bugher stated that your request was received some time around August 3, 2005. He acknowledges that your request was not responded to until after the DOC received a copy of your complaint from this office. He also indicated that the requested documents are being forwarded to you.

ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the APRA. IC 5-14-3-3(a). If a public agency receives a request for records via U.S. mail, facsimile, or e-mail, it has seven days in which to respond. IC 5-14-3-9(b).

The DOC is a public agency for purposes of the APRA. The DOC was required to respond to your request within seven days of its receipt on August 3, 2005; therefore, it should have responded by August 10, 2005. The DOC acknowledges that it did not respond until after

receiving your complaint from this agency on August 16, 2005. The DOC's failure to provide you with a response within the required timeframe is a violation of the APRA.

CONCLUSION

For the foregoing reasons, I find that the Indiana Department of Correction violated the Access to Public Records Act when it failed to respond to your request for records within seven days of receiving the request.

Sincerely,

Karen Davis
Public Access Counselor

cc: Robert D. Bugher