

January 16, 2007

Aaron Israel
#892219
Wabash Valley Correctional Facility
P.O. Box 1111
Carlisle, IN 47838

Re: Formal Complaint 06-FC-216; Alleged Violation of the Access to Public Records Act by the Indiana Department of Administration

Dear Mr. Israel:

This is in response to your formal complaint alleging that the Indiana Department of Administration (“Department”) violated the Access to Public Records Act by failing to respond to your request for a record. I find that the Department failed to respond within seven days to your request for records, but has now produced the records responsive to your request.

BACKGROUND

You mailed a request to Courtney L. Coe at the Department for records relating to the Aramark contract, including the contract itself. The facsimile copy of the request you provided shows that you sent your request to 402 W. Washington Street, Room 479 in Indianapolis. You complain that you have never received a response to the request.

I sent a copy of your complaint to the Department. I received a written response from Mr. Anthony H. Green, Deputy Commissioner and General Counsel at the Department. He explained that the person to whom you addressed your request, Ms. Coe, has not been employed by the Department since 2003. It is not clear what became of your request, but the Department has no record of having received it. The Department has taken steps to make sure that future requests that are sent in the name of former employees are referred to the Department’s communications manager, Elizabeth Barrett.

Ms. Barrett wrote you a letter on December 21, 2006 and enclosed the Aramark contract and other information. The Department also explained how other information that is not in the public records of the Department could be obtained.

ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act. Ind. Code 5-14-3-3(a). If a public

agency receives a request for a record by U.S. Mail, the agency is required to respond within seven (7) days, or the request is deemed denied. IC 5-14-3-9(b).

Your request may have been received by the Department even though the person to whom you specifically addressed the letter was no longer with the Department. If the Department received your letter at all, it was required to respond within seven days. Its failure to respond within seven days was a violation of the Access to Public Records Act. The Department has taken steps to refer all record requests to Elizabeth Barrett, the Department's Communications Manager.

The Department has now provided the records that it maintains and explained what records are not among the public records of the Department.

CONCLUSION

For the foregoing reasons, I find that the Indiana Department of Administration violated the Access to Public Records if the agency received your record request and failed to respond within seven days.

Sincerely,

Karen Davis
Public Access Counselor

cc: Anthony Green