

May 22, 2006

Ronald L. Sanford
#875353
Indiana State Prison
P.O. Box 41
Michigan City, IN 46360

Re: Formal Complaint 06-FC-82; Alleged Violation of the Access to Public Records Act by the Marion County Circuit Court Clerk

Dear Mr. Sanford:

This is in response to your formal complaint alleging that the Marion County Circuit Court Clerk ("Clerk") violated the Access to Public Records Act by failing to respond to your request for records. The Clerk did not receive your April request, so the Clerk did not violate the Access to Public Records Act.

BACKGROUND

You filed your formal complaint alleging that on April 6, 2006, you mailed to the Clerk a request for all legal documents in the file under cause no. 49G04-8804CF040167. You claim that the Clerk has failed to respond.

I sent a copy of your complaint to the Clerk. Deputy Clerk of State Court Administration Chari Burke called me to tell me that she has no record that the Clerk received a request from you for a record in April. However, the Clerk sent me copies of letters showing that the Clerk did respond to a January 31 request for the same record. I enclose copies of all correspondence related to that request, which you would have received prior to filing your complaint with the Office of the Public Access Counselor.

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 via U.S. Mail, the public agency is required to respond to the request within seven days of receipt, or the request is deemed denied. IC 5-14-3-9(b). A person or public agency that chooses to file a formal complaint with the counselor must file the complaint not later than thirty (30) days after the denial. IC 5-14-5-7.

Ms. Burke has informed me that no record of an April request exists. Moreover, the Clerk did receive an identical record request that you sent on January 31, 2006. The time for filing a formal complaint regarding the response to this request has elapsed, but I may issue an informal inquiry response. *See* IC 5-14-4-10(5). You may consider this opinion as the informal inquiry response. Because the Clerk received your January 31, 2006 request on February 6, 2006, and issued a responsive letter on February 8, 2006, the Clerk did not violate the Access to Public Records Act with respect to the response to your January request. Because the Clerk did not receive an April request, the Clerk was not required to issue a response.

CONCLUSION

For the foregoing reasons, I find that the Clerk did not violate the Access to Public Records Act with respect to any failure to respond to your records requests.

Sincerely,

Karen Davis
Public Access Counselor

cc: Chari Burke