

August 1, 2007

George Hopkins
PO Box 33255
Indianapolis, Indiana 46203

Re: Formal Complaint 07-FC-196; Alleged Violation of the Access to Public Records Act by the Indiana Department of Correction

Dear Mr. Hopkins:

This is in response to your formal complaint alleging the Indiana Department of Correction ("Department") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by not responding to your request for records. A copy of the Department's response to your complaint is enclosed for your reference. I find that while the Department's response to the request was untimely, it did not otherwise violate the APRA.

BACKGROUND

In your complaint you allege that on June 15, 2007 you mailed a request for access to public records to the Department. You specifically requested information about vocational trades. You sent the request via certified mail and have a receipt indicating it was received by the Department on June 19. You filed your complaint on June 29, and I received it July 2, indicating you had received no response.

The Department responded to your complaint on July 27, indicating the Department did not respond "in appropriate manner." The Department further indicated in its response that documents responsive to your request have now been sent to you.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." Ind. Code 5-14-3-1. The Department is clearly a public agency for the purposes of the APRA. IC 5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the Department

during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. IC 5-14-3-3(a).

A request for records may be oral or written. IC 5-14-3-3(a); 5-14-3-9(c). If the request is delivered by mail or facsimile, the agency must respond to the request within seven days of receipt. IC 5-14-3-9(b).

Since the Department received your request on June 19, it should have sent you a response on or before June 26. The Department sent a response to you on July 27 after receiving a copy of your complaint from this office. As such, the Department's response was untimely under the APRA. Since the Department indicates it provided you copies of documents responsive to your request, I find the Department did not otherwise violate the APRA.

CONCLUSION

For the foregoing reasons, I find that while the Indiana Department of Correction's response to your request was untimely, it did not otherwise violate the Access to Public Records Act.

Best regards,

Heather Willis Neal
Public Access Counselor

cc: Robert Bugher, Indiana Department of Correction