

August 15, 2007

Orza Salone
DOC #944875 CE504
PO Box 41
Michigan City, Indiana 46361

Re: Formal Complaint 07-FC-210; Alleged Violation of the Access to Public Records Act by the Indiana State Police

Dear Mr. Salone:

This is in response to your formal complaint alleging the Indiana State Police ("ISP") violated the Access to Public Records Act ("APRA") (Ind. Code §5-14-3) by not responding to your request for records. I find that while the response from the ISP was untimely, the ISP did not otherwise violate the APRA.

BACKGROUND

In your complaint you allege that on June 11, 2007 you requested from the ISP access to records maintained by the ISP. You specifically requested records related to the investigation leading to cause number 06D01-9407-CF-39. You submitted your complaint on July 12, and I received it on July 17, alleging you had not received a response.

The ISP responded to your complaint on July 27 by sending you a copy of the Indiana State Police News Release Information Form regarding the arrest.

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 ISP is clearly a public agency for the purposes of the APRA. I.C. §5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the ISP during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. §5-14-3-3(a).

A request for records may be oral or written. I.C. §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. I.C. §5-14-3-9(b).

Here the ISP failed to respond to your initial request in the seven days allowed by the APRA. The ISP has indicated to me the reason for delay was simple error. The ISP has now responded to your request and produced the record it maintains responsive to your request.

CONCLUSION

For the foregoing reasons, I find that while the response of the ISP was untimely, it did not otherwise violate the Access to Public Records Act.

Best regards,



Heather Willis Neal
Public Access Counselor

cc: Jerome Ezell, Indiana State Police