

September 17, 2007

George Hernandez  
DOC #961617  
Wabash Valley Correctional Facility  
PO Box 1111  
Carlisle, Indiana 47939

*Re: Formal Complaint 07-FC-248; Alleged Violation of the Access to Public Records Act by the Grant County Sheriff's Department*

Dear Mr. Hernandez:

This is in response to your formal complaint alleging the Grant County Sheriff's Department ("Department") violated the Access to Public Records Act ("APRA") (Ind. Code §5-14-3) by failing to respond to your request for records. I find that the Department violated the APRA by not responding to your request.

#### BACKGROUND

In your complaint you allege that you requested access to records from the Department on July 5, 2007. Specifically, you requested records related to you, like your arrest booking records. You filed your complaint on August 9, alleging the Department had not responded to your request.

The Department did not respond to your complaint upon my invitation to do so.

#### 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. I.C. §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. I.C. §5-14-3-3(a).

A "public record" means any writing, paper, report, study, map, photograph, book, card, tape recording or other material that is created, received, retained, maintained or filed by or with a public agency. I.C. §5-14-3-2.

A request for records may be made orally or in writing. I.C. §5-14-3-3(a); §5-14-3-9. If the request is delivered by mail or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. I.C. §5-14-3-9(b).

Here you allege you requested the records on July 5, 2007. The Department should have responded to your request within seven days of receipt of your request, even if the Department does not have any records responsive to your request. I.C. §5-14-3-9(b). It is my opinion the Department violated the APRA when it did not respond to your request.

#### CONCLUSION

For the foregoing reasons, I find that the Department violated the Access to Public Records Act by not responding to your request for access to records.

Best regards,



Heather Willis Neal  
Public Access Counselor

cc: Sharon Beyer, Grant County Sheriff's Department