

November 13, 2007

Betsy Slavens
179 F Love Avenue
Greenwood, Indiana 46142

Re: Formal Complaint 07-FC-315; Alleged Violation of the Access to Public Records Act by the Greenwood Public Library

Dear Ms. Slavens:

This is in response to your formal complaint alleging the Greenwood Public Library ("Library") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to your personnel file records. It is my opinion the Library violated the APRA by denying you access to the contents of your personnel file.

BACKGROUND

You allege that on October 5, 2007 you asked to review the contents of your personnel file maintained by the Library. You were told by Cheryl Dobbs, your supervisor, that she would probably show you the file but did not at that time. Later on the same day, you again asked Ms. Dobbs if you could view your file. Ms. Dobbs indicated she had received instruction from the Library Assistant Director, Janine Orr, who told her not to allow you to view the file.

The Library did not respond to your complaint at my invitation to do so.

ANALYSIS

The public policy of the APRA states, "(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 Library 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 Library 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).

Personnel files of public employees are generally excepted from disclosure at the discretion of the agency, except for the items specifically required by the APRA to be disclosed. I.C. §5-14-3-4(b)(8). However, all personnel file information shall be made available to the affected employee or employee's representative. I.C. §5-14-3-4(b)(8).

Here, you requested access to review the contents of your personnel file maintained by the Library. The APRA makes it very clear that all personnel file information must be made available to the affected employee. I.C. §5-14-3-4(b)(8). As such, the Library is required to allow you to inspect and copy the entire contents of your personnel file upon your request.

CONCLUSION

For the foregoing reasons, it is my opinion the Library violated the APRA when it denied you access to your personnel file maintained by the Library.

Best regards,



Heather Willis Neal
Public Access Counselor

cc: Cheryl Dobbs, Greenwood Public Library
Janine Orr, Greenwood Public Library