



STATE OF INDIANA

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October 13, 2010

Mr. Scottie Edwards
DOC # 113192
Miami Correctional Facility
3038 W. 850 S.
Bunker Hill, IN 46209

*Re: Formal Complaint 10-FC-207; Alleged Violation of the Access to
Public Records Act by the Marion County Superior Court*

Dear Mr. Edwards:

This advisory opinion is in response to your formal complaint alleging the Marion County Superior Court ("Court") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* The Court's response to your complaint is enclosed for your reference.

BACKGROUND

In your complaint, you allege that Judge Gerald S. Zore denied you access to "the names of prospective jurors chosen for my trials in 2001, 2003, and 2006." You state that you are in the process of filing for post-conviction relief and you need the names to properly litigate your case.

Judge Zore responded to your complaint. He cites to Ind. Jury Rule 10, which classifies as confidential personal information relating to a juror or prospective juror. Judge Zore also noted that the time to file your appeal has expired.

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." I.C. § 5-14-3-1. The Court is 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 Court's public records

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

Under section 4 of the APRA, a public agency may not disclose records declared confidential by or under rules adopted by the supreme court of Indiana. I.C. § 5-14-3-4(a)(8). Confidentiality of court records is governed chiefly by Administrative Rule 9, which was adopted by the Indiana Supreme Court. The supreme court has also adopted the Indiana Jury Rules, which contain additional confidentiality requirements. Specifically, as Judge Zore notes, J.R. 10 provides that personal information relating to jurors and prospective jurors is confidential:

RULE 10. JUROR SAFETY AND PRIVACY

Personal information relating to a juror or prospective juror not disclosed in open court is confidential, other than for the use of the parties and counsel. The court shall maintain that confidentiality to an extent consistent with the constitutional and statutory rights of the parties.

J.R. 10. Consequently, it is my opinion that the Court did not violate the APRA by denying your request. *See also Matheney v. State*, 688 N.E.2d 883, 894 (Ind. 1997) (affirming denial of convict's motion to order the jury commissioner to disclose the names of the jurors and alternates at trial so he could investigate whether the jury had been exposed to any extraneous influences where there had been no indication of any outside influences on the jury justifying such an order).

CONCLUSION

For the foregoing reasons, it is my opinion that the Court did not violate the APRA.

Best regards,



Andrew J. Kossack
Public Access Counselor

Cc: Hon. Gerald S. Zore