



STATE OF INDIANA

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October 25, 2010

Mr. Michael J. Shepard
DOC # 181080
Putnamville Correctional Facility
1946 W. U.S. Hwy. 40
Greencastle, IN 46135

Re: Formal Complaint 10-FC-220; Alleged Violation of the Access to Public Records Act by the Evansville Parole Office

Dear Mr. Shepard:

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

BACKGROUND

In your complaint, you allege that the Office attempted to charge you an unreasonable fee when it informed you that copies of records responsive to your September 3, 2010, request would be provided to you at a cost of fifteen cents (\$0.15) per page.

In response to your complaint, Department of Correction Legal Services Director Robert Bugher states that you are correct that the appropriate fee for copies is ten cents (\$0.10) per page. Accordingly, upon the Office's receipt of nine dollars and forty cents (\$9.40) from you, the Office will mail you 94 pages of responsive records.

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." I.C. § 5-14-3-1. The Office 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 Office'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).

The APRA permits a public agency to charge a fee for copying a record, but sets certain limits on the amount of the copying fee depending upon the type of public agency. *See* I.C. § 5-14-3-8. For state agencies, the Indiana Department of Administration (“DOA”) sets the photocopying fee at the average cost per copy. I.C. § 5-14-3-8(c). Under current DOA policy, the applicable copy fee is ten cents (\$0.10) per page. Consequently, Mr. Bugher is correct that this is the appropriate fee.

CONCLUSION

For the foregoing reasons, it is my opinion that the applicable fee for copies of the Office’s records is ten cents (\$0.10) per page.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive style with a large, sweeping initial "A".

Andrew J. Kossack
Public Access Counselor

cc: Robert Bugher