



# STATE OF INDIANA

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May 13, 2010

Mr. Fred Peters  
DOC # 26498  
Wabash Valley Correctional Facility  
6908 S. Old U.S. Hwy. 41  
Carlisle, IN 47838

*Re: Formal Complaint 10-FC-93; Alleged Violation of the Access to Public Records Act by the Wabash Valley Correctional Facility*

Dear Mr. Peters:

This advisory opinion is in response to your formal complaint alleging the Wabash Valley Correctional Facility (the "Facility") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* A copy of the Facility's response is enclosed for your reference.

## BACKGROUND

In your complaint, you allege the Facility denied you access to a record regarding a certain conduct report. In response to your complaint, the Facility states that all requests for public records are required to be forwarded to the Facility's public information officer for logging and processing. The Facility maintains that it did not receive your request. Moreover, the Facility claims that you received the records you requested at the conclusion of the case and were responsible for maintaining the records yourself. Finally, the Facility states that in response to your request to obtain copies of your facility packet, the Facility is entitled to charge copies fees at \$.10 per page, but you have no funds in your account to remit such payment.

## ANALYSIS

Here, the Facility maintains that it did not receive your request. A public agency is not required to respond to a request that it did not receive. Moreover, under the APRA, an agency may require that public access requests are submitted in a particular form: "A request for inspection or copying must: (1) identify with reasonable particularity the record being requested; and (2) be, at the discretion of the agency, in writing on or in a

form provided by the agency.” I.C. § 5-14-3-3(a). Accordingly, the Facility is authorized to require you to submit your requests to its public information officer for processing. Further, if the Facility already gave you a copy of records you requested, it is not obligated to produce additional copies. While an individual is entitled to a copy of a record if the public agency has reasonable access to a copy machine, the agency is not required to produce more than one copy. I.C. § 5-14-3-8(e). Finally, the APRA allows the Facility to charge you copies fees prior to producing requested records. *See* I.C. § 5-14-3-8.

#### CONCLUSION

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

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: James Wynn