



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
JOSEPH B. HOAGE**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Fax: (317) 233-3091
1-800-228-6013
www.IN.gov/pac

July 15, 2013

Mr. William D. Simmons
DOC 871199
3038 West 850 South
Bunker Hill, Indiana 46914

Re: Formal Complaint 13-FC-183; Alleged Violation of the Access to Public Records Act by the Indiana Parole Board

Dear Mr. Simmons:

This advisory opinion is in response to your formal complaint alleging the Indiana Parole Board ("Board") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* Randy Gentry, Vice Chairman, responded in writing on behalf of the Board. His responses are enclosed for your reference.

BACKGROUND

In your formal complaint, you provide that on May 20, 2013 you submitted a written request for records to the Board. You specifically provide that you have received all records responsive to your request with the exception of the parole violation report ("Report") issued by the parole agent that is created upon the parolee's arrest.

In response to your formal complaint, Mr. Gentry advised that the original envelope that you submitted to the Board contained an incorrect address. Further, your request did not seek copies of any records maintained by the Board; rather you sought a reconsideration of parole. Regardless, the Board received copies of the Report from the Department of Corrections Parole Services Division. A copy of the Report is enclosed for your review.

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." *See* I.C. § 5-14-3-1. Any person has the right to inspect and copy a public agency's public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

The Board maintains you did not make a request for records of the Board; rather you requested a reconsideration of the Board's prior decision regarding your parole. Determinations made by the Board regarding your parole status are outside the purview of this office. Regardless, the Board has now received from the Department of Corrections' Parole Services Division a copy of the Report which is enclosed for your review. I trust this to be in satisfaction of your formal complaint.

CONCLUSION

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

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joseph B. Hoage
Public Access Counselor

cc: Randy Gentry