



STATE OF INDIANA

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October 10, 2014

Ms. Tracey Wytttenbach
203 South Vine Street
Plainfield, IN 46168

Re: Formal Complaint 14-FC-204; Alleged Violation of the Access to Public Records Act ("APRA") by Purdue University

Dear Ms. Wytttenbach,

This advisory opinion is in response to your formal complaint alleging Purdue University ("University") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* Ms. Abby Daniels of the Office of Legal Counsel has responded on behalf of the University. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on September 9, 2014.

BACKGROUND

Your complaint dated September 9, 2014, alleges Purdue University violated the Access to Public Records Act by not providing records responsive to your request in a timely manner in violation of Ind. Code § 5-14-3-3(b).

On or about August 27, 2014, you submitted a request for public records to the University for several documents including meeting minutes, a transcript of a telephone conversation, email correspondence and final disposition of a complaint. The University responded on August 28, 2014 explaining they were conducting a search for your records and there may be a slight delay due to a backlog.

According to the University's response, your August 27, 2014 request was the fourth in a series of requests dating back to August 4, 2014 – none of which had been denied. You submitted a number of other requests subsequently, but the only records in contention are the records indicated in your August 27, 2014 request, as they are the subjects of your complaint. By September 15, 2014, your August 27, 2014 request had been satisfied.

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 Ind. Code § 5-14-3-1. Purdue University is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the University’s public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

As to the August 27, 2014 request, approximately seven (7) business days had elapsed between the request and the filing of your formal complaint. Considering a public agency has seven (7)days to merely *acknowledge* receipt of your request, it would be incongruous to expect production of documents immediately. An agency has a reasonable amount of time to produce documents pursuant to a request. See. Ind. Code § 5-14-3-3. A reasonable amount of time had not elapsed by the date you filed your formal complaint. You received the actual documents approximately a week later. I trust the records are responsive to your request and it has now been satisfied.

CONCLUSION

It is the Opinion of the Public Access Counselor Purdue University did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Abby K. Daniels, Esq.