



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-9435
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

December 9, 2014

Mr. Darryl L. Anderson
New Castle Correctional Facility
1000 Van Nuys Rd.
New Castle, IN 46372

Re: Formal Complaint 14-FC-269; Alleged Violation(s) of the Access to Public Records Act by the Marion County Superior Court

Dear Mr. Anderson,

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 has responded to your complaint via Court Administrator, Ms. Emily A. VanOsdol. 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 November 12, 2014.

BACKGROUND

Your complaint dated November 1, 2014 alleges the Court violated the APRA by denying you access to public information.

On or about October 3, 2014, you sent a letter to the Marion County Superior Court seeking information regarding your criminal conviction. You asked a series of three questions directed to the Court.

The Court administrator responded to your formal complaint and indicated it sent you the answers to your question(s) on November 12, 2014.

ANALYSIS

The public policy of the APRA states that "a (p)roviding person 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. The Marion County Superior Court 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 Court'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).

Please be advised a public record is very broadly defined by the Access to Public Records Act to include virtually any and all information generated or maintained by a public agency; however, it must be reduced to writing or digitally captured in some way. Answers to general questions are not public record. Despite this, the Court Administrator has created a public record responsive to your request and sent it to you. Although not obligated to do so, I hope this record satisfies your initial request.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Marion County Superior Court has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline that extends to the left and then curves back under the signature.

Luke H. Britt
Public Access Counselor

Cc: Ms. Emily VanOsdol