



# STATE OF INDIANA

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June 14, 2016

Ms. Nancy J. Rinsch  
301 State Road 159 South  
Freelandville, Indiana 47535

*Re: Formal Complaint 16-FC-106; Alleged Violation of the Access to Public Records Act by the Freelandville Regional Sewer District*

Dear Ms. Rinsch:

This advisory opinion is in response to your formal complaint alleging the Freelandville Regional Sewer District ("District") and Mr. Lewis Myers violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The District has responded via Mr. Myers. His response is enclosed for your review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on May 10, 2016.

## BACKGROUND

Your complaint alleges the Freelandville Regional Sewer District violated the Access to Public Records Act by improperly denying your records request.

On April 16, 2016, you submitted a records request seeking a copy of the rate ordinance from the District. The District informed you that you already have a copy of the ordinance and if you needed other copies they are available in the District log.

On May 23, 2016, the District responded stating it did not possess a digital copy of the ordinance as you requested, but it did have a hard copy. The District states it has sent you another copy of the ordinance for your 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." *See*

*Indiana Code § 5-14-3-1.* The Freelandville Regional Sewer District is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)(1).* Accordingly, any person has the right to inspect and copy the District's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a).*

The APRA does not require a public agency, such as the District, to provide records if it has already provided those records. Per statute, you are entitled to one copy of a public record pursuant to a request. *See Indiana Code § 5-14-3-8(e)(2).*

Duplicate records would be at the discretion of the public agency. You state in your complaint you did not have a copy of the rate ordinance. The District asserts you have a copy, noting a copy was delivered to you via USPS on February 12, 2016, as is it required by law every customer be sent a copy. Additionally, the rate was published in the newspaper and a copy was on file for public inspection. There is some confusion over whether you wanted a digital or hard copy of the ordinance. Nevertheless, the District states you have been sent another copy. It is my sincere hope this satisfies your record request.

### CONCLUSION

Based on the forgoing, it is the Opinion of the Public Access Counselor the Freelandville Regional Sewer District did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. Britt', with a long horizontal flourish extending to the left.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Lewis Myers