



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)234-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

July 19, 2016

Mr. Louis Fromer - #241520
Wabash Valley Correctional Facility
Post Office Box 1111
Carlisle, Indiana 47838

Re: Formal Complaint 16-FC-133; Alleged Violation of the Access to Public Records Act by the Tippecanoe Circuit Court

Dear Mr. Fromer:

This advisory opinion is in response to your formal complaint alleging the Tippecanoe Circuit Court ("Court") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Department has responded via Ms. Amber Laffoon, Court Reporter. Her 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 June 15, 2016.

BACKGROUND

Your complaint dated June 10, 2016, alleges the Tippecanoe Circuit Court violated the APRA by not responding to your request within seven (7) days. On May 23, 2016, you sent a request to the Court, seeking case files. As of the filing of your complaint, you had not received a response. On June 30, 2016 the Court responded. The Court notes your request was not received until May 31, 2016 and was responded to on June 3, 2016.

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 Tippecanoe Circuit Court 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 Court'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)*.

A request for records may be oral or written. *See Indiana Code § 5-14-3-3(a); § 5-14-3-9(c)*. 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 Indiana 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.

The court reporter received your request on May 31, 2016 and responded on June 3, 2016. This is within the timeframe required under the APRA. It does not matter, as the court reporter appears to believe, that the request was not received until May 31, 2016 because Indiana Code § 5-14-3-9(b) specifically states the timeframe begins within receipt of the request and not when it is sent. Therefore, no violation of the APRA has occurred.

CONCLUSION

Based on the forgoing, it is the Opinion of the Public Access Counselor the Tippecanoe Circuit Court has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Ms. Amber Laffoon