



STATE OF INDIANA

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September 12, 2016

Ms. Connie F. Martin
C/o Trent McCain, Esq.
McCain Law Offices
5655 Broadway
Merrillville, Indiana 46410

Re: Formal Complaint 16-FC-195; Alleged Violation of the Access to Public Records Act by the Gary Community School Corporation

Dear Ms. Martin and Mr. McCain:

This advisory opinion is in response to your formal complaint alleging the Gary Community School Corporation ("School") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The School has not responded despite an invitation to do so on August 12, 2016. 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 August 10, 2016.

BACKGROUND

Your complaint dated August 10, 2016, alleges the Gary Community School Corporation did not acknowledge or fulfill a public records request hand-delivered on August 8, 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 Gary Community School Corporation 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 School'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 hand-delivered and the agency does not respond to the request within twenty-four hours (24) 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.

Without the benefit of a response from the School, I am not privy to any argument or justification, if any, as to why the school has not acknowledged nor fulfilled your request. Pursuant to Indiana Code § 5-14-5-5, a public agency shall cooperate with the investigation of this Office. The School has failed to do so.

CONCLUSION

Based on the forging, it the opinion of the Public Access Counselor the Gary Community School Corporation has violated the Access to Public Records Act.

Regards,

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

Luke H. Britt
Public Access Counselor