



STATE OF INDIANA

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September 16, 2016

Mr. De'Shawn L. Redfield - #983601
Plainfield Correctional Facility
727 Moon Road
Plainfield, Indiana 46168

Re: Formal Complaint 16-FC-202; Alleged Violation of the Access to Public Records Act by the Madison County Circuit Court 4

Dear Mr. Redfield:

This advisory opinion is in response to your formal complaint alleging the Madison County Circuit Court 4 ("Court") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Court has responded via the Honorable Judge David A. Happe. 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 16, 2016.

BACKGROUND

Your complaint dated August 11, 2016, alleges the Madison County Circuit Court 4 failed to respond to your request for public records. On or about July 22, 2016, you submitted a public records request to the Court seeking a number of specifically identified documents. As of the date of your complaint, you had not yet received the documents you requested. The Court responded by stating they received your request on July 27, 2016 and the Court's response was sent to you on August 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 Madison County Circuit Court 4 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 a person requests by mail or by facsimile a copy or copies of a public records, a denial of disclosure does not occur until seven days have elapsed from the date the public agency receives the request. *See Indiana Code § 5-14-3-9(c)*. 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.

This Office is familiar with the logistical delays associated with prison mail due to security considerations by Department of Correction facilities. It simply appears as if your complaint and the response crossed in the mail by no fault of the Court. Based on the information provided, the Court met all of its obligatory deadlines under the Access to Public Records Act and you should now have the materials you were seeking.

CONCLUSION

Based on the forging, in the opinion of the Public Access Counselor the Madison County Circuit Court 4 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.

Luke H. Britt
Public Access Counselor

Cc: Hon. David Happe