



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

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September 21, 2016

Ms. Melissa L. Binetti  
C/o The Indiana, Illinois, Iowa Foundation for Fair Contracting  
6170 Joliet Road, Suite 200  
Countryside, Illinois 60525

*Re: Formal Complaint 16-FC-203; Alleged Violation of the Access to Public Records Act by the New Vista High School Charter School*

Dear Ms. Binetti:

This advisory opinion is in response to your formal complaint alleging the New Vista High School Charter School ("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 19, 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 17, 2016.

## BACKGROUND

Your complaint dated August 17, 2016, alleges the New Vista High School Charter School violated the Access to Public Records Act by not fulfilling your records request. On or about June 17, 2016, you hand-delivered a public records request to the School. This was acknowledged at the time by the School. You followed-up on July 1, 2016 and left a voice mail, however, you have not received any further correspondence from the School.

## 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*. An Indiana Charter School is a public agency for the purposes of the APRA. *See Indiana Code § 20-24-1-4*. 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)*.

Without the benefit of a response from the School, I do not have sufficient information to conclude whether the School took any steps to comply with the APRA. As such, it is my determination they did not. Pursuant to Indiana Code § 5-14-5-5, a public agency must cooperate with the investigation of this office. The School has declined to do so.

### **CONCLUSION**

Based on the foregoing, it is the opinion of the Public Access Counselor the New Vista High School Charter School has 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