



STATE OF INDIANA

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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 Hammond Public School Corporation is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. 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 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 APRA states a public agency has a reasonable time to respond to a records request, whether it be a denial or the production of documents. *See Ind. Code § 5-14-3-3*. The request was reasonably specific and not particularly complex. Twenty (20) calendar days should be enough time for at least a status update to the Complainant's request. While the records may not have been gathered by that time, the spirit of the law suggests at least a courtesy response informing a requester as to the progress of the search when asked.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Hammond Public School Corporation has violated the APRA.

A handwritten signature in black ink, appearing to read "LH Britt", is written over a horizontal line.

Luke H. Britt
Public Access Counselor