



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 Hancock County Clerk 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 Clerk’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 Clerk of the Courts elected by the citizens of Hancock County is the officeholder responsible for the custody of the Court’s records. Any court document requested should begin with a public access request submitted to the Clerk. Instead, the Complainant appears to have asked the Court itself via a discovery mechanism. The Court properly denied the motion. Should the Complainant still need the records, they should be available for a fee from the Clerk’s office.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Hancock County Superior Court did not violate the Access to Public Records Act.

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

Luke H. Britt
Public Access Counselor

Cc: Ms. Marcia Moore