
OPINION OF THE PUBLIC ACCESS COUNSELOR

JACKSON T. BLANCHARD,
Complainant,

v.

THE UNIVERSITY OF SOUTHERN INDIANA,
Respondent.

Formal Complaint No.
17-FC-226

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the University of Southern Indiana (“USI”) violated the Access to Public Records Act (“APRA”). Ind. Code §§ 5-14-3-1 to -10. USI has responded to the complaint via Ms. Cynthia S. Brinker, Vice President for Government and University Relations. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on September 13, 2017.

BACKGROUND

Jackson Blanchard (“Complainant”) contends the University of Southern Indiana wrongfully denied access to a list of student names and failed to provide a statutorily appropriate denial.

On September 11, 2017, the Complainant called USI to verbally request a list of student names and e-mail addresses. He was clear to mention that it was part of an academic research project through DePauw University. He received an unsigned denial from the Dean of Students Office on the next day.

USI argues the list is not something the University prepares and provided a link to the University’s online directory – a searchable database of students.

ANALYSIS

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.” Ind. Code § 5-14-3-1. The University of Southern Indiana is a public agency for the purposes of the APRA. Ind. Code § 5-14-3-2(n). Therefore, any person has the right to inspect and copy USI’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. Ind. Code § 5-14-3-3(a). A public agency is required to make a response to a written request that has been mailed within seven (7) days after it is received. Ind. Code § 5-14-3-9(c).

Based on the information provided, it appears as if USI does not have a compiled list of student names and e-mail addresses, however, it is clear from its response that USI does have a database with that information. The law is indeed clear that a list does not have to be created to satisfy a request. A public agency that maintains public records in a database must, however:

make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system.

See Ind. Code § 5-14-3-3(d).

Reasonable efforts would include a simple query to extract requested information from the said database and provide it upon request. This would be different than compiling data from multiple sources and creating a list from scratch (which is contemplated by subsection (f) and explicitly not required). Manipulation of database information such as this, however, is a relatively simple task.

What is more, use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. See Ind. Code § 5-14-3-3(e). While it is understandable a university may not want to release a list of student names to just any station of requester, the Complainant

had identified himself as a researcher associated with another university.

RECOMMENDATION

Based on the foregoing, it is the opinion of the Public Access Counselor that the University of Southern Indiana should provide the list to the Complainant.

A handwritten signature in black ink, appearing to read 'LHB', is positioned above the name of the Public Access Counselor.

Luke H. Britt
Public Access Counselor