

April 15, 2003

Mr. Raymond Ingram  
#852604 C-East #572  
Indiana State Prison  
P.O. Box 41  
Michigan City, IN 46361-0041

Re: *Advisory Opinion 03-FC-22*; Alleged Denial of Access to Public Records by Muncie Central High School.

Dear Mr. Ingram:

This is written in response to your formal complaint, which was received on April 7, 2003. You have alleged that Muncie Central High School (hereinafter, "Muncie Central,") violated the Indiana Access to Public Records Act, ("APRA,") Indiana Code chapter 5-14-3. Specifically, you claim that you were improperly denied access to your high school transcripts by Muncie Central. Mr. Dick Daniel, Principal of Muncie Central responded in writing to your complaint and a copy of his response is enclosed for your reference. For the reasons set forth below, it is my opinion that Muncie Central did not deny you access to your high school transcripts under the APRA.

## BACKGROUND

In your complaint, you allege that on March 12, 2003 you sent a letter to Muncie Central requesting a copy of your complete high school transcripts. When you did not receive your transcripts, you filed your formal complaint with this Office.

In response to your complaint, Principal Daniel stated that your high school transcripts were in fact sent to you on two (2) separate occasions by Muncie Central. The transcripts were sent on February 20 and March 18, 2003.

## 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." Ind. Code § 5-14-3-1. Furthermore, "[t]his chapter shall be liberally construed to implement this policy and place the burden of proof for the nondisclosure of a public record on the public agency that would deny access to the record and not on the person seeking to inspect and copy the record." Ind. Code § 5-14-3-1.

Muncie Central is clearly a public agency for the purposes of the APRA. Ind. Code § 5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of Muncie Central during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under Indiana Code section 5-14-3-4. Ind. Code § 5-14-3-3(a). A person who has been denied access to public records under the APRA may file an action in circuit or superior court to compel the public agency to allow inspection and copying of the public records. Ind. Code §5-14-3-9 (d).

According to your complaint, you sent a request to Muncie Central and you never received a copy of your high school transcripts. Muncie Central has in fact sent these transcripts to you on two (2) separate occasions, but you did not receive them. Upon investigation, it appears that under Department of Correction policies, transcript documents received by mail are directed to the Education Department at the facility to be placed in an offender's educational packet. These transcripts are not permitted under Department policies to be given directly to the offender. Muncie Central, therefore, has complied with the APRA with respect to your requests for copies of your high school transcripts and therefore, it is my opinion that Muncie Central did not violate the APRA with respect to your requests. It is my suggestion that you contact the Education Department at your facility about gaining access to the transcripts provided by Muncie Central.

## CONCLUSION

It is my opinion that Muncie Central High School did not deny you access to public records in violation of the APRA.

Sincerely,

Anne Mullin O'Connor

Enclosure

cc: Principal Dick Daniel, MCHS w/o enclosure

Ms. Pam Pattison, IDOC w/o enclosure