



# STATE OF INDIANA

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November 14, 2008

James Stafford  
DOC #966294  
PO Box 1111  
Carlisle, Indiana 47838

*Re: Formal Complaint 08-FC-220; Alleged Violation of the Access to Public Records Act by the Union Circuit Court*

Dear Mr. Stafford:

This is in response to your formal complaint alleging the Union Circuit Court ("Court") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to records. A copy of the Court's response to your complaint is enclosed for your reference. It is my opinion the Court did not violate the APRA by refusing to provide you additional copies of records it has already provided you.

## BACKGROUND

In your complaint you allege that you submitted a request for access to records to the Court on September 26, 2008. Specifically, you requested a copy of a transcript and records related to your case. The Court issued an order on September 26 denying your request. You filed this complaint on October 15.

The Court responded to your complaint by electronic mail message dated October 30 from Judge Matthew Cox. Judge Cox contends that the Court has previously provided you with copies of the records, which you allege you lost during your transfer to a different facility. Judge Cox contends the Court is unwilling to expend more tax dollars to provide you additional copies but indicates the Court will send you the records if you or your agent will pay for all expenses.

## ANALYSIS

The public policy of the APRA states, "(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." I.C. § 5-14-3-1. The Court is clearly a public agency for the purposes of the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the

Court during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. § 5-14-3-3(a).

A “public record” means any writing, paper, report, study, map, photograph, book, card, tape recording or other material that is created, received, retained, maintained or filed by or with a public agency. I.C. § 5-14-3-2(n).

If a person is entitled to a copy of a public record under the APRA and the agency has reasonable access to a machine capable of reproducing the record, the public agency must provide at least one copy of the record to the person. If the agency does not have reasonable access to such a machine, the person is entitled only to inspect and manually transcribe the record. An agency may require that the payment for copying costs be made in advance. I.C. § 5-14-3-8(e).

Here, the Court contends it has already provided you with a copy of the requested records. Pursuant to I.C. § 5-14-3-8(e), an agency is only required to provide one copy of a record to a requester. Nothing in the APRA requires an agency to provide any additional copies of the same record to the requester, regardless of whether the requester misplaced the records. Further, nothing in the APRA requires the Court to provide you any records at no cost. If the Court does agree to provide you additional copies, the Court may charge you the applicable fees allowed by I.C. § 5-14-3-8 and may require payment before sending you the copies.

#### CONCLUSION

For the foregoing reasons, it is my opinion the Court has not violated the APRA.

Best regards,



Heather Willis Neal  
Public Access Counselor

cc: Judge Matthew Cox, Union Circuit Court