



STATE OF INDIANA

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August 12, 2015

Mr. Adam Krupp
BMV General Counsel
100 N. Senate Ave. –IGCN, Room N404
Indianapolis, IN 46204

*Re: Informal Inquiry 15-INF-23; Requests for Public Records
vs. Requests for Information*

Dear Mr. Krupp:

This is in response to your informal inquiry regarding the difference between public record and information requests. I issue the following informal opinion in response to your inquiry. My opinion is based on applicable provisions of the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3, et. seq.

This Opinion seek to answer the question as to how to differentiate between requests for information and requests for public records.

A public record, as stated in Ind. Code § 5-14-3-2(o), is

“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 and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.”

When a request is for a public record, there should be a tangible document to give to the requester, i.e. an individual’s driving record or any other type of actual document with information. In contrast, a request for information is not asking for a specific document; instead the request requires the BMV to extrapolate information - such as an address - from an existing document.

Requests for information are not covered by the APRA and would not fall under its provisions. Requests for information (confidentiality considerations notwithstanding) are

part of the normal course of customer relations, but outside the purview of any public access law.

Please do not hesitate to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline that extends to the left and then curves back under the signature.

Luke H. Britt
Public Access Counselor