



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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April 30, 2014

Zolo A. Azania #4969
201 Woodlawn Ave.
Michigan City, IN 46361

Re: Formal Complaint 14-FC-66; Alleged Violation of the Access to Public Records Act by the Indiana State Prison Outside Facility

Dear Mr. Azania,

This advisory opinion is in response to your formal complaint alleging the Indiana State Prison Outside Facility ("I.S.P. and I.S.O.") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The ISP and ISO have provided a response to your complaint via Ms. Pam James. Her response is attached for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on March 28, 2014.

BACKGROUND

Your complaint dated March 17, 2014 alleges the Indiana State Prison Outside Facility violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(a).

In a letter dated March 10, 2014, you served upon the Indiana State Prison a request for public records seeking to obtain a copy of the staff roster along with rank for the employees and ISP and ISO. Your request was acknowledged in a timely manner on March 11, 2014 accompanied by a denial based upon Ind. Code § 5-14-3-(b)(10). The concern by ISP is that the information, if provided to offenders, would jeopardize the record keeping or security system of the agency. Their response to your formal complaint reiterates the same arguments.

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 Ind. Code § 5-14-3-1. The Indiana State Prison is a public agency for the purposes of the

APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the ISP and ISO's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

Typically, a list of a staff roster and positions would be disclosable as a public record under Ind. Code § 5-14-3-4(b)(8)(5), however, the General Assembly has recognized the need for public safety and security of law enforcement and correctional facility personnel throughout the APRA. I will defer to ISP's determination that the information sought would fall under the considerations found at Ind. Code § 5-14-3-(b)(10). I would suggest, however, the better exemption to these sort of records would be those described in Ind. Code § 5-14-3-(b)(23)(B), which seems more on point in the instant case. In any event, both arguments are meritorious and therefore the denial is legally justified.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the Indiana State Prison Outside Facility has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor

Cc: Ms. Pam James