



STATE OF INDIANA

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June 17, 2008

Sam Williams
DOC #885684
Plainfield Correctional Facility
727 Moon Road
Plainfield, Indiana 46168-9400

Re: Formal Complaint 08-FC-139; Alleged Violation of the Access to Public Records Act by Indiana State University

Dear Mr. Williams:

This advisory opinion is in response to your formal complaint alleging Indiana State University ("University") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by failing to respond to your request for access to records. It is my opinion the University violated the APRA by failing to respond to the request.

BACKGROUND

You allege that on May 1, 2008 you mailed a request for access to records to the University. Specifically, you requested records related to the relationship between the University and the Plainfield Correctional Facility. You mailed this complaint on May 21, alleging you had not received a response to the request. My office received the complaint on May 27.

My office sent a copy of the complaint to the University and invited the University to respond to the complaint. To date my office has not received a response.

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 University 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 University 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 request for records may be oral or written. I.C. §§ 5-14-3-3(a), 5-14-3-9(c). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. I.C. § 5-14-3-9(b).

The APRA requires the University to respond to every request for access to records it receives, even if the response is that no such records exist or even if the records are excepted from disclosure. *See* I.C. § 5-14-3-9(b). If the University received the request, the University's failure to respond within seven days of receipt of the request constitutes a denial of access.

CONCLUSION

For the foregoing reasons, it is my opinion the University has violated the Access to Public Records Act by failing to respond to your request.

Best regards,



Heather Willis Neal
Public Access Counselor

Cc: Ed Kinley, Indiana State University Association Vice President and Chief Information Officer