



STATE OF INDIANA

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August 18, 2009

Willie Erving Taylor, Jr.
DOC #957099
Indiana State Prison
One Park Row
Michigan Prosecutor, Indiana 46360

Re: Formal Complaint 09-FC-162; Alleged Violation of the Access to Public Records Act by the Lake County Prosecuting Attorney

Dear Mr. Taylor:

This advisory opinion is in response to your formal complaint alleging the Lake County Prosecuting Attorney ("Prosecutor") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to records.

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 Prosecutor is clearly a public agency for the purposes of the APRA. I.C. § 5-14-3-2(m). Accordingly, any person has the right to inspect and copy the public records of the Prosecutor 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).

Here, though, it is my understanding your complaint relates to a discovery issue rather than a request for access to records via the APRA. Discovery matters are not in the purview of the Public Access Counselor's Office. You should direct your concerns regarding this matter to the court.

Best regards,

A handwritten signature in cursive script that reads "Heather Willis Neal".

Heather Willis Neal
Public Access Counselor

Cc: Lake County Prosecuting Attorney's Office