



STATE OF INDIANA

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March 8, 2013

Mr. Willie L. Brown
400 Taft Place
Gary, Indiana 46404

Re: Formal Complaint 13-FC-54; Alleged Violation of the Access to Public Records Act by the Lake Ridge School Corporation

Dear Mr. Brown:

This advisory opinion is in response to your formal complaint alleging the Lake Ridge School Corporation ("School") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* Monica Conrad, Attorney, responded in writing on behalf of the School to your formal complaint. Her response is enclosed for your reference.

BACKGROUND

In your formal complaint, you provide that on February 11, 2013, you hand-delivered a written request for records to the School. As of February 14, 2013, the date you filed your formal complaint with the Public Access Counselor's Office, you have yet to receive any response from the School.

In response to your formal complaint, Ms. Conrad advised that the School did receive your written request on February 11, 2013. The School responded in writing, via certified mail, on February 12, 2013. The response was processed by the U.S. Postal Service and sent out for delivery on February 14, 2013. Notice of the mailing was delivered to you on February 14, 2013, but you did not sign for the letter until February 20, 2013.

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* I.C. § 5-14-3-1. The School is a public agency for the purposes of the APRA. *See* I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the School's public records during regular business hours unless the records are excepted from

disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

A request for records may be oral or written. *See* I.C. § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within twenty-four hours, the request is deemed denied. *See* I.C. § 5-14-3-9(a). 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. *See* I.C. § 5-14-3-9(b). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. Here, you hand-delivered a written request for records to the School on February 11, 2013. Thus, the School was required to respond, in writing, within twenty-four hours of receipt of your hand-delivered written request. The School responded in writing on February 12, 2013, which the U.S. Postal Service attempted to deliver on February 14, 2013. You ultimately did not sign for the letter until February 20, 2013. As the School responded in writing within twenty-four hours of the receipt of your hand-delivered written request, it is my opinion that the School complied with the requirements of section 9 of the APRA. *See Opinions of the Public Access Counselor 05-FC-176; 11-FC-84; 11-FC-308; 12-FC-63; 12-FC-316; 13-FC-10.*

CONCLUSION

Based on the foregoing reasons, it is my opinion that the School did not violate the APRA.

Best regards,

A handwritten signature in black ink, appearing to read 'J. Hoage', written in a cursive style.

Joseph B. Hoage
Public Access Counselor

cc: Monica Conrad