



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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May 26, 2015

Mr. Robert L. Payton #227603
1946 West U.S. Highway 40
Greencastle, IN 46135

Re: Formal Complaint 15-FC-138; Alleged Violation of the Access to Public Records Act by the Morgan County Sheriff's Department

Dear Mr. Payton,

This advisory opinion is in response to your formal complaint, which alleges that the Morgan County Sheriff's Department ("Department") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Department has responded to your complaint via Mr. Robert Downey, Sheriff. 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 April 20, 2015.

BACKGROUND

Your complaint dated April 8, 2015, alleges the Morgan County Sheriff's Department violated the Access to Public Records Act by failing to provide the records you requested.

You mailed a request for documents to the Sheriff's Department on March 24, 2015, but received no reply.

On April 23, 2015, Sheriff Downey responded to your complaint. He stated the records had been sent to you on several occasions in the past and your further requests were redundant.

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 Morgan County Sheriff's Department is a public agency for the



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purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Department's disclosable, 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).

An individual is entitled to one copy of a public record. Requesting individuals are generally afforded one opportunity to receive the requested copy. See Ind. Code § 5-14-3-8(e)(2). In prior opinions, I have recommended to public agencies this be interpreted to mean one copy per year. Based upon the provided information, including the prior year, you have made repeated requests for the same public record at various times. These records have been provided to you. While I applaud the Sheriff for sending you an additional copy, this is not required or necessary. Furthermore, an acknowledgement of a repeated request is not one that is contemplated by the law. Accordingly, the Sheriff has acted in accordance with the APRA.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Morgan County Sheriff's Department has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LHB", is written over a horizontal line.

Luke H. Britt
Public Access Counselor

Cc: Mr. Robert Downey, Sheriff