



# STATE OF INDIANA

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June 22, 2015

Ms. Ruth P. Atkins  
P.O. Box 115  
Marengo, Indiana 47140

*Re: Formal Complaint 15-FC-145(b); Alleged Violation of the Access to Public Records Act by the Dubois County Health Department*

Dear Ms. Atkins,

This advisory opinion is in response to your formal complaint alleging the Dubois County Health Department ("Department") has violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Department has issued a response via Ms. Donna Oeding, Administrative Director. Her response is enclosed 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 May 11, 2015.

## BACKGROUND

Your complaint dated May 11, 2015 alleges the Dubois County Health Department violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On February 20, 2015, you submitted to the Department a public records request seeking a copy of birth and death certificates for your brother. You contend the Department originally refused to provide the records to you and that the records you eventually received were incomplete. Sometime later, you were able to receive a copy from the Department to your satisfaction.

## ANALYSIS

The public policy of the APRA states that "a (p)roviding person 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 Dubois County Health Department is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Any person has the right to inspect and copy the Department'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).

I will note in the matter of your brother's death certificate, the Department appears to have properly informed you why the records were not to your satisfaction. The APRA does not require a public agency to provide a record it does not have or to supplement additional information on a record it does have. From the information you have provided, it seems as if Dubois County worked with the State Department of Health to provide you with a complete copy of the death certificate after you indicated the first copy was not satisfactory. A substantial portion of your complaint indicates your dissatisfaction with the Department's customer service; however, this is outside the scope of this Office.

### CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Dubois County Health Department has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Donna Oeding