



# STATE OF INDIANA

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May 8, 2017

Wilmer E. Goering, II  
322 Liberty Street  
Vivay, IN 47043

*Re: Informal Inquiry 17-INF-06; Information relating to jailed persons*

Dear Mr. Goering:

This is in response to your informal inquiry regarding whether a public agency must release the age or date of birth in response to a public records request.

## DISCUSSION

A particular requester, Data Driven Safety, LLC, has request one week's worth of data regarding jailed persons in Ripley County. Under Ind. Code § 5-14-3-5(b):

(b) If a person is received in a jail or lock-up, the following information shall be made available for inspection and copying:

- (1) Information that identifies the person including the person's name, age, and address.
- (2) Information concerning the reason for the person being placed in the jail or lock-up, including the name of the person on whose order the person is being held.
- (3) The time and date that the person was received and the time and date of the person's discharge or transfer.
- (4) The amount of the person's bail or bond, if it has been fixed.

Specifically, your inquiry is regarding subsection (b)(1) and whether age or date of birth is required for release. To my knowledge, there is no statutory or judicially-issued interpretation of age versus date of birth. Therefore were it necessary to interpret the law to determine what the General Assembly intended this phrase to mean, courts would rely upon the common and ordinary, dictionary meanings of the word used. *Crowley v. Crowley*, 588 N.E.2d 576, 578 (Ind. App. 1992).

Merriam-Webster's Online Dictionary defines "age" as "*an individual's development measured in terms of years*". "Date of birth" is defined as "*the month, day, and year a person was born*". Age is a less specific identifier whereas date of birth is a particular element of a person's identification. Furthermore, the Access to Public Records Act uses 'age' and 'date of birth' separately in distinct provisions. See Ind. Code § 5-14-3-4(b)(26) (date of birth not required to be released in unclaimed property reports).

Ostensibly, date of birth as a personal identifier could potentially compromise an individual's privacy or safety considerations. It is my opinion the General Assembly intended age in terms of years to be released under Ind. Code § 5-14-3-5(b)(1) and date of birth would be at the discretion of the public agency.

Please do not hesitate to contact me with any questions.

Best regards,

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

Luke H. Britt  
Public Access Counselor