



# STATE OF INDIANA

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August 10, 2015

Ms. Sharon Lippens  
IT Director Porter County Government

*Re: Informal Inquiry 15-INF-20; Voicemails*

Ms. Lippens,

On July 7<sup>th</sup>, you requested an informal opinion on whether voicemails can be considered public record. Pursuant to Ind. Code § 5-14-3-1, I issue the following informal opinion in response to your inquiry.

You seek a determination on whether voice mail is considered a public record.

Ind. Code 5-14-3-2(o) defines public record as:

[A]ny writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

Therefore, because voicemails are electronically stored data, they may be considered public records while they exist. However, the implications of storing all voicemails would entail storing thousands of recordings every year for every agency. Therefore the Indiana Archives and Records Administration does not set a retention schedule for voice mails. They are transitory and may be discarded at the discretion of a public agency.

You also inquired as to whether voice mail becomes a (retained) public record if emailed on a system as a .wav or similar file extension. If the voicemail is converted into an audio format and emailed to another person, that email and the voicemail attached are public records potentially subject to disclosure. Therefore, a public agency must retain a copy voicemail if it is sent electronically under the retention schedule set by your agency, consistent with state guidelines found generally at [www.in.gov/iara](http://www.in.gov/iara).

Please do not hesitate to contact me with any further questions.

Best regards,

A handwritten signature in black ink, appearing to be 'LH Britt', written in a cursive style.

Luke H. Britt  
Public Access Counselor