

January 9, 2006

Mr. Michael Van Meter  
#922538  
Wabash Valley Correctional Facility  
P.O. Box 1111  
Carlisle, IN 47838

*Re: Formal Complaint 05-FC-252; Alleged Violation of the Access to Public Records Act by the Putnamville Correctional Facility*

Dear Mr. Van Meter:

This is in response to your formal complaint alleging that the Putnamville Correctional Facility ("Putnamville") violated the Access to Public Records Act by failing to respond to your request for certain personnel file information. I find that Putnamville did not timely respond to your request, in violation of the Access to Public Records Act.

#### BACKGROUND

You sent a request for information regarding grievances filed against Putnamville employees Donna Seprodi and Lawanda Appman. You also requested, for the same employees, any disciplinary records or reprimands as a result of the grievances. You state in your formal complaint, filed December 12, 2005, that you have not received a response to your request for records.

I sent a copy of your complaint to Superintendent Al C. Parke. Mr. Parke sent me a copy of a memorandum addressed to you and dated December 15, 2005, transmitting to you the information that you requested. The records showed the grievances filed against both employees. Further, superintendent Parke informed you that no disciplinary action had been taken against those employees as a result of the grievances.

## ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act (“APRA”). Ind. Code 5-14-3-3(a). If a public agency receives a request for a record via U.S. Mail or facsimile, the agency is required to respond within seven (7) days, or the request is deemed denied. IC 5-14-3-9(b). Further, the public agency should produce the record or records within a reasonable period of time; no specific formula or rule governs when the agency must produce the record.

Superintendent Parke concedes that the facility did not respond to your request in a timely manner. It appears as well that the information that you requested could have been produced more timely than one month after your request, since it appears to be in a computer log. Putnamville violated the Access to Public Records Act when it failed to timely respond to your request for records. However, you have now received the records that you sought.

## CONCLUSION

For the foregoing reasons, I find that the Putnamville Correctional Facility violated the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Al C. Parke, Superintendent