



# STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR  
ANDREW J. KOSSACK

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

December 15, 2009

Mr. Richard K. Corbin  
DOC # 975153  
4490 W. Reformatory Rd.  
Pendleton, IN 46064

*Re: Formal Complaint 09-FC-281; Alleged Violation of the Access to Public Records Act by the Muncie Police Department*

Dear Mr. Corbin:

This advisory opinion is in response to your formal complaint alleging the Muncie Police Department ("Department") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.*, by denying you access to public records. For the following reasons, my opinion is that the Department did not violate the APRA. I note that I have granted your request for priority status under 62 Ind. Admin. Code 1-1-3(3).

## BACKGROUND

According to your complaint, on November 1, 2009, you requested access to records from the Department regarding three of its employees. On November 12, the Department responded to your request and denied it by refusing to provide you with information regarding the job title and job description of the police officers. You argue that the Department violated the APRA by failing to provide you with that information and claim that the "public agency should have used its discretion [sic] and released the records."

## ANALYSIS

The public policy of the APRA states, "[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." I.C. § 5-14-3-1. The Department is a public agency for the purposes of the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the Department during regular business hours unless the public records are exempt from

disclosure as confidential or otherwise nondisclosable under the APRA. I.C. § 5-14-3-3(a).

While you acknowledge that the Department provided you with some information in response to your request, you argue that the Department should have released information regarding the job titles and job descriptions of three police officers. However, section 4.3 of the APRA provides that “[n]othing in section 4(b)(8) of this chapter requires a law enforcement agency to release to the public the job title or job description of law enforcement officers.” I.C. § 5-14-3-4.3. Under the plain language of this section of the APRA, the Department acted within its discretion when it refused to provide you with that information. Consequently, it is my opinion that the Department did not violate the APRA by denying that portion of your request.

#### CONCLUSION

For the foregoing reasons, it is my opinion that the Department did not violate the APRA.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive style with a large, sweeping initial "A".

Andrew J. Kossack  
Public Access Counselor

Cc: Daniel J. Gibson, Assistant City Attorney