



STATE OF INDIANA

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June 27, 2011

Mr. Rocky M. Shroyer
DOC # 956193
4490 W. Reformatory Rd.
Pendleton, IN 46064

Re: Formal Complaint 11-FC-129; Alleged Violation of the Access to Public Records Act by the Pendleton Correctional Facility

Dear Mr. Shroyer:

This advisory opinion is in response to your formal complaint alleging the Pendleton Correctional Facility ("Facility") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* The Facility's response is enclosed for your reference.

BACKGROUND

In your complaints, you allege that the Facility violated the APRA by denying your request for access to all conduct reports issued by the Facility from January of 2009 to the present and the current "fact sheet" for the Facility.

Facility Administrative Assistant David W. Barr responded to your complaint on behalf of the Facility. He cites to 210 Ind. Admin. Code 1-6-2(1) for the Facility's denial of your request for access to information regarding other offenders.

ANALYSIS

The APRA provides that a public agency may not disclose records "declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute." I.C. § 5-14-3-4(a)(2). Under I.C. § 11-8-5-2(a), the Department of Correction ("DOC") DOC may classify as confidential information maintained on a person who has been committed to the DOC or who has received correctional services from the DOC. Pursuant to this authority, the DOC has adopted rules governing the release of DOC information. *See* 210 I.A.C. 1-6-2.

Mr. Barr denied your request based on 210 I.A.C. 1-6-2, which states that the Department of Correction “shall collect, maintain, and use only that offender or juvenile personal information that is relevant and necessary to accomplish the statutory purposes of the agency. . . . Unrestricted information is accessible by any person upon specific request, with the exception of offenders to whom the information does not pertain. . . .” Mr. Barr states that the information you seek is unrestricted, but it does not pertain to you and you have no authority to act as the agent of the offenders to whom the information does pertain. *See* 210 I.A.C. 1-6-4(a)(2) (“A person committed to or under the legal control of the department or on probation to a court may not act as an offender’s agent.”). Therefore, the DOC did not violate the APRA by denying your request. *See also Opinion of the Public Access Counselor 05-FC-40.*

CONCLUSION

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

Best regards,



Andrew J. Kossack
Public Access Counselor

cc: David W. Barr