



# STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR  
JOSEPH B. HOAGE

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)

March 1, 2012

Gregory C. Green  
DOC 160333  
One Park Row  
Michigan City, Indiana 46360

*Re: Formal Complaint 12-FC-51; Alleged Violation of the Access to Public Records Act by the Indiana State Police Department*

Dear Mr. Green:

This advisory opinion is in response to your formal complaint alleging the Indiana State Police Department (“Department”) violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 *et seq.* Jordan M. Stover, Attorney, responded on behalf of the Department. His response is enclosed for your reference.

## BACKGROUND

In your formal complaint, you allege that you submitted a written request for records to the Department on February 13, 2012. As of February 24, 2012, the date you filed your formal complaint with the Public Access Counselor’s Office, you further allege that the Department has failed to respond to your request.

In response to your formal complaint, Mr. Stover advised that the Department received your request on February 17, 2012, to which it responded in writing on February 22, 2012. At that time, the Department provided all records that were responsive to your request.

## ANALYSIS

The public policy of the APRA states that “(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.” *See* I.C. § 5-14-3-1. The Department is a public agency for the purposes of the APRA. *See* I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the Department’s public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

A request for records may be oral or written. *See* I.C. § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. *See* I.C. § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days *of receipt*, the request is deemed denied (emphasis added). *See* I.C. § 5-14-3-9(b). Under the APRA, when a request is made in writing and the agency denies the request, the agency must deny the request in writing and include a statement of the specific exemption or exemptions authorizing the withholding of all or part of the record and the name and title or position of the person responsible for the denial. *See* I.C. § 5-14-3-9(c). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. Here, the Department received your request for records on February 17, 2012. The Department responded to your request, in writing, on February 22, 2012, at which time it provided all records that were responsive. The seven-day time period for the Department to respond to your request pursuant to I.C. § 5-14-3-9(b) did not commence until the date the Department received your request; not the date you placed the request in the mail. As such, it is my opinion that the Department did not violate the APRA.

#### 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, appearing to read 'J. Hoage', written in a cursive style.

Joseph B. Hoage  
Public Access Counselor

cc: Jordan M. Stover