



STATE OF INDIANA

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July 15, 2014

AC James, Jr. #231845
Indiana State Prison
One Park Row
Michigan City, IN 46360

Re: Formal Complaint 14-FC-130; Alleged Violation of the Access to Public Records Act by the Allen County Jail

Dear Mr. James,

This advisory opinion is in response to your formal complaint alleging the Allen County Jail ("Jail") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Jail has responded via Lt. Troy Hershberger. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on June 20, 2014.

BACKGROUND

Your complaint dated June 12, 2014, alleges the Allen County Jail violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On May 13, 2014, you submitted a records request to the Jail for a copy of their inmate handbook. The Jail responded stating you had already received a copy of the Jail Rules and would not be receiving another. The Jail responded confirming you had received a copy upon your arrival at the jail and you also failed to pay the copy and postage fees covering the costs of supplying you with a copy.

DISCUSSION

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 Ind. Code § 5-14-3-1. The Allen County Jail is a public agency for the purposes of the APRA.

See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Jail's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

A public agency is only required to produce one copy of a record upon request. See Ind. Code § 5-14- 3-8(e)(2). Presumably, you received your copy of the Jail Rules as a matter of procedure upon arriving at the jail and you did not receive it pursuant to a request. Therefore you would be entitled to a copy under an APRA request, despite it being a duplicate copy. You would still be responsible for remitting to the Jail the actual cost of copying and supplying the Rules under Ind. Code § 5-14- 3-8.

RECOMMENDATIONS

Because you received your first copy of the rules as a procedural matter and not pursuant to an APRA request, it is the Opinion of the Public Access Counselor the Allen County Jail should supply you one additional copy upon receiving payment from you of the fees associated with the production of documents.

Regards,

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

Luke H. Britt
Public Access Counselor

Cc: Lt. Troy Hershberger