



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

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

October 19, 2014

Mr. Richard K. Corbin #975153
Plainfield Correctional Facility
727 Moon Road
Plainfield, IN 46168

Re: Formal Complaint 14-FC-209; Alleged Violation of the Access to Public Records Act by the Plainfield Correctional Facility

Dear Mr. Corbin,

This advisory opinion is in response to your formal complaint alleging the Plainfield Correctional Facility ("Facility"), violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Facility has responded to your complaint via Mr. Robert Bugher, Esq., Indiana Department of Correction General Counsel. 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 September 17, 2014.

BACKGROUND

Your complaint dated September 17, 2014, alleges the Plainfield Correctional Facility violated the Access to Public Records Act (IC 5-14-3) by improperly denying you access to court files.

On or about August 11, 2014, you submitted a public records request to the Facility seeking personnel information related to a named officer of the Department of Correction. The Facility denied your request and, in their response, cited Ind. Code § 5-14-3-4(b)(23) which gives the discretion to a prison facility as to whether they choose to release that kind of information.

ANALYSIS

The public policy of the APRA states that "a (p) roviding person 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 Plainfield Correctional Facility is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Any person has the right to inspect and copy the Facility'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).

Ind. Code § 5-14-3-4(b)(23) states that the release of the following records is discretionary on the part of the facility:

- Records requested by an offender that:
- (A) contain personal information relating to:
 - (i) a correctional officer (as defined in IC 5-10-10-1.5);
 - (ii) a law enforcement officer (as defined in IC 35-31.5-2-185);
 - (iii) a judge (as defined in IC 33-38-12-3);
 - (iv) the victim of a crime; or
 - (v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or
 - (B) concern or could affect the security of a jail or correctional facility.

Your records request clearly names an officer of the Facility and the information you seek falls into the above statute. As such, the Facility is justified in withholding the information and denying your request.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Plainfield Correctional Facility has not violated the Access to Public Records Act.

Regards,



Luke H. Britt
Public Access Counselor

Cc: Mr. Robert Bugher, Esq.