



# STATE OF INDIANA

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November 24, 2014

Mr. Ed. R. Adams  
210 Dogwood Place  
Mount Vernon, IN 47620

*Re: Formal Complaint 14-FC-249; Alleged Violation of the Access to Public Records Act by the Black Township Trustee (Posey County)*

Dear Mr. Adams,

This advisory opinion is in response to your formal complaint alleging the Black Township Trustee of Posey County ("Trustee"), violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Trustee Lindsay Suits has responded to your request. Her response is attached 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 October 21, 2014. Your request for priority status has been denied as it does not meet the requirements for priority status under 62 IAC § 1-1-3.

## BACKGROUND

Your complaint alleges the Black Township Trustee violated the Access to Public Records Act (Ind. Code § 5-14-3) by failing to produce records within a reasonable time.

On or about September 4, 2014, you verbally requested a "Reconciliation report" from the Trustee. On September 8, 2014 the Trustee provided you a report, however, it was not the report you requested. You re-worded your request twice – once as a "Township Assistance Reconciliation Report" and once as "Claim Batching Posting Report PRMS 600". Both times the Trustee informed you she was not aware of the existence of the document sought. You have attached a portion of the State Board of Accounts Guidelines and have asked this Office to provide guidance as to the report you may be seeking.

The Trustee responded to your complaint acknowledging your claims and reiterating the Trustee does not have the document in question and is not sure what you are seeking.

## 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 Black Township Trustee (Trustee) 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 Trustee’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).

Unless it has been declared confidential by statute, the information maintained by the Trustee is disclosable public record. You are entitled to the information you seek provided you identify the public record with reasonable particularity. See Ind. Code § 5-14-3-3. Reasonable particularity does not mean you have to specify with pinpoint accuracy the document sought, however, it should give the public agency an idea of what you are looking for.

From the information provided, it simply appears the Trustee is confused as to what you are seeking. The only obligation on the part of a requestor is to identify the document in a general manner. It does not seem as if the Trustee has located any document germane to your request.

While the Office of the Public Access Counselor is not well versed in matters associated with Indiana Township Assistance programs, the State Board of Accounts is the appropriate agency to direct your questions. It is my sincere hope personnel from the Indiana State Board of Accounts can help you identify the name of your record, so the Trustee may provide you with the information you seek.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Black Township Trustee of Posey County has not violated the Access to Public Records Act.

Regards,

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

Luke H. Britt  
Public Access Counselor

Cc: Ms. Lindsay Suits