



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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December 9, 2014

Mr. Charles J. Davis, Sr.
Wabash Valley Correctional Facility
6908 South Old US Highway 41
Carlisle, IN 47838

Re: Formal Complaint 14-FC-270; Alleged Violation(s) of the Access to Public Records Act by the Bartholomew County Superior Court

Dear Mr. Davis,

This advisory opinion is in response to your formal complaint alleging the Bartholomew County Superior Court ("Court") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Court has responded to your complaint via the Hon. Judge, James D. Worton. 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 November 6, 2014.

BACKGROUND

Your complaint dated November 3, 2014 alleges the Court violated the APRA by denying you access to public information.

On or about July 17, 2014, you sent a public records request to the Court seeking a copy of Court recordings. The Court timely responded to your request on July 24, 2014. As of the date of your complaint you had not received an update to your request.

The Court responded to your formal complaint indicating the majority of the records you seek were on difficult-to-copy cassette tapes and the Court was searching for equipment to make copies. The Court also indicated it was continuing to work to find a solution to copy the recordings.

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 Bartholomew County Superior Court 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 Court’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).

If a public agency maintains information in electronic form, the agency must make reasonable efforts to provide the public record electronically. See Ind. Code § 5-14-3-3(d). It appears as if the Court has been doing so by tracking down equipment compatible with recording the cassette devices. Although it has taken some time, it is my sincere hope you have received the recording since the filing of your complaint.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Bartholomew County Superior Court has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Hon. Judge James Worton