



STATE OF INDIANA

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December 31, 2014

Mr. Lamarr Crittenden
Miami Correctional Facility
3038 West 850 South
Bunker Hill, IN 46914

Re: Formal Complaint 14-FC-291; Alleged Violation(s) of the Indiana Access to Public Records Act by the Indiana Legislative Services Agency

Dear Mr. Crittenden,

This advisory opinion is in response to your formal complaint alleging the Indiana Legislative Services Agency ("LSA"), violated the Indiana Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* The LSA has responded via George T. Angelone, Executive Director. 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 December 1, 2014.

BACKGROUND

Your formal complaint dated November 19, 2014, alleges the Indiana Legislative Services Agency violated the public records act by not releasing records to you in a timely manner.

On or about October 28 and November 6, 2014, you sent a public records request to the LSA seeking information on statutory amendments. As of the date of your complaint, you had not received a response.

The LSA responded to your complaint by arguing that a personnel issue contributed in part to the delay in an acknowledgement of the receipt of your complaint; however, an appropriate response has been issued as timely as possible. The LSA also includes information as to the substantive portions of the response – all of which appears accurate, however, will not be addressed in this Opinion, as it is not immediately germane to your complaint.

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 Ind. Code § 5-14-3-1. The Indiana Legislative Services Agency 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 LSA’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 request for records may be oral or written. See Ind. Code § 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 Ind. Code § 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. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

I cannot state with any amount of accuracy when your requests were actually received by the LSA. The inherent logistical difficulties of Department of Correction mail often contributed to a slight delay in the service of mail. It appears as if your requests were eventually processed by the LSA and sent you correspondence as to how to obtain the records. Regardless, the LSA has assured this Office that records would be forthcoming in an expeditious fashion once the appropriate copy fees have been remitted. It is my sincere hope you are in custody of those records as of the issuance of this Opinion.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Legislative Services Agency did not violate the Access to Public Records Act.

Regards,

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

Luke H. Britt
Public Access Counselor

Cc: Mr. George T. Angelone