



STATE OF INDIANA

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January 20, 2015

Mr. Matt Bryant
Pendleton Correctional Facility
4490 West Reformatory Rd.
Pendleton, IN 46064

Re: Formal Complaint 14-FC-324; Alleged Violation of the Access to Public Records Act by the Pendleton Correctional Facility

Dear Mr. Bryant,

This advisory opinion is in response to your formal complaint alleging the Pendleton Correctional Facility ("Facility"), violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* Ms. Michelle Rains, administrative assistant and public information officer, has responded on behalf of the facility. Her reply 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 December 23, 2014.

BACKGROUND

Your complaint alleges the Pendleton Correctional Facility violated the Access to Public Records Act (Ind. Code § 5-14-3) by failing to produce records responsive to your request.

On or about November 3, 2014, you requested a copy of a correctional officer's medical bills related to an incident for which you were subject to discipline. As a result of the incident you were ordered to pay a portion of those medical bills. You seek documentation of the bills. The Facility denied your request on November 6, 2014 stating the records of the correctional officer were excluded from disclosure under Ind. Code § 5-14-3-4(b)(23). The response to your formal complaint reiterates the same. The Facility has also said the officer was not treated at the Facility, but rather by an outside health facility.

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 Pendleton Correctional Facility (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).

The correctional officer was treated for injuries stemming from an incident in which you were allegedly involved. Subsequently, you were disciplined for the incident and made to pay restitution for the medical expenses. You were not provided verification of the medical expenses at your disciplinary hearing and now you seek to obtain the documentation.

The records you seek do not appear to be public record as they are not created or maintained by the Facility. The officer’s injuries were treated at an outside facility and not by the on-site health care unit. Secondly, the Facility is correct that Ind. Code § 5-14-3-4(b)(23) justifies the withholding of correctional officer’s information. Any evidentiary grievance you have with the disciplinary process is with the governing body issuing discipline and not with the Facility’s record-keeping. I suggest you explore alternative remedies other than public access to verify the medical expense amounts.

CONCLUSION

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

Regards,



Luke H. Britt
Public Access Counselor

Cc: Ms. Michelle Rains