



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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June 14, 2016

Mr. Robert Bogue
7846 North 1200th Street
Paris, Illinois 61944

Re: Formal Complaint 16-FC-111; Alleged Violation of the Access to Public Records Act by the Vigo County Auditor

Dear Mr. Bogue:

This advisory opinion is in response to your formal complaint alleging the Vigo County Auditor (“Auditor”) violated the Access to Public Records Act (“APRA”), Indiana Code § 5-14-3-1 et. seq. As of the writing of this opinion, the Auditor has not responded, despite an invitation by this office to do so on May 13, 2016. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on May 13, 2016.

BACKGROUND

Your complaint dated May 11, 2016 alleges the Vigo County Auditor violated the Access to Public Records Act by failing to respond to your records request.

On April 27, 2016, you submitted a request for payroll records of a county employee. As of the filing of your complaint, you had not received a response.

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 Indiana Code § 5-14-3-1*. The Vigo County Auditor is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)(1)*. Accordingly, any person has the right to inspect and copy the Auditor’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

A request for records may be oral or written. *See Indiana Code § 5-14-3-3(a); § 5-14-3-9(c)*. 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 Indiana 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.

A public agency shall cooperate with the Public Access Counselor in any investigation or proceeding. *See Indiana Code § 5-14-5-5*. This has not happened. Therefore, I cannot determine why the Auditor did not respond to your request or if there was any statutory justification for its actions.

CONCLUSION

Based on the forgoing, it is the Opinion of the Public Access Counselor the Vigo County Auditor has violated the Access to Public Records Act.

Regards,

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

Luke H. Britt
Public Access Counselor