



STATE OF INDIANA

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June 28, 2016

Mr. Joe Lawless
1796 North County Road 250 West
Greencastle, Indiana 46135

Re: Formal Complaint 16-FC-127; Alleged Violation of the Access to Public Records Act by the Putnam County Convention and Visitors Bureau

Dear Mr. Lawless:

This advisory opinion is in response to your formal complaint alleging the Putnam County Convention and Visitors Bureau ("Bureau") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Bureau has responded via its president, Mr. Rick Patel, President. His response is enclosed for your review. 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 June 3, 2016.

BACKGROUND

Your complaint dated June 3, 2016, alleges the Putnam County Convention and Visitors Bureau violated the Access to Public Records Act by failing to follow up with your records request.

On May 7, 2016, you requested a copy of the invoice and payment for building maintenance completed in March 2016. On May 10, 2016, the Bureau notified you that your request had been received and the information was being gathered. As of the filing of your complaint you had not received the records you requested.

On June 22, 2016, the Bureau responded, stating your request was still being processed. The Bureau also stated it recently sent you documents responding to a request you made in March for a copy of packets supplied to board members for all meetings from June 2015 to February 2016.

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 Putnam County Convention and Visitors Bureau 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 Bureau'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)*.

The APRA does not specify a time for production or inspection of responsive records. Instead, it states a request for public records must be fulfilled by a public agency within a reasonable time. *See Indiana Code § 5-14-3-3(b)*. Reasonableness depends on the circumstances, including: size of the public agency, number of pending requests, complexity of the request, and any other operational consideration which may reasonably affect the public records process. In this case, your formal complaint was dated approximately twenty-seven (27) calendar days after the submission of your public records request to the Bureau.

The request itself does not appear to involve a large number of documents. However, your previous request made in March 2016 for nine months' worth of the Board's packets and agendas was recently completed and received through certified mail on June 8, 2016 and may have caused some delay to the processing of your current request. Additionally, the Putnam County Convention and Visitors Bureau is a relatively small public agency with a multi-faceted set of obligations and responsibilities. While this Office does not condone any significant delay in the production of public records, there is a practicality element when determining timeliness of responses. Mr. Patel notes that while he has been the primary respondent to your requests, a new Executive Director is currently in training and should allow for a faster response in the coming months.

The Bureau has stated your request is being processed. It is my sincere hope you have already received the documents you are requesting or they are forthcoming in the very near future.

CONCLUSION

Based on the foregoing, it is the determination of the Office of the Public Access Counselor the Putnam County Convention and Visitors Bureau has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor

Cc: Mr. Rick Patel