



STATE OF INDIANA

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October 21, 2016

Mr. Alvin Best - #850121
Putnamville Correctional Facility
1946 West U.S. Highway 40
Greencastle, Indiana 46135

Re: Formal Complaint 16-FC-235; Alleged Violation of the Access to Public Records Act by Indiana Department of Correction

Dear Mr. Best:

This advisory opinion is in response to your formal complaint alleging the Indiana Department of Correction violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. DOC has not responded despite an invitation to do so on September 23, 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 September 19, 2016.

BACKGROUND

On or about August 26, 2016, you submitted a public records access request to the Indiana Department of Correction (DOC) requesting a copy of your inmate trust account. As of the submission of your formal complaint, you had not received an acknowledgement with regard to your document request.

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*. Indiana Department of Correction (DOC) is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the DOC'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 submitted 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

Without the benefit of a response from the DOC (as mandated by Indiana Code 5-14-5-5), it is difficult to say why the DOC did not respond to your complaint. It appears as if the deadline for acknowledging your public records request did indeed expire.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Department of Correction has violated the Access to Public Records Act.

Regards,

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

Luke H. Britt
Public Access Counselor