



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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December 15, 2016

Mr. Zolo Azania -#4969
Miami Correctional Facility
3038 West 850 Souh
Bunker Hill, Indiana 46914

Re: Formal Complaint 16-FC-285; Alleged Violation of the Access to Public Records Act by Prison Enterprises Network (PEN)

Dear Mr. Azania:

This advisory opinion is in response to your formal complaint alleging the Prison Enterprises Network ("PEN") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. PEN has responded to your complaint via Ms. Becky Deeb. Her 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 November 1, 2016.

BACKGROUND

Your complaint received in our office on November 1, 2016 alleges you were denied access to public records by PEN. Your public records request dated August 31, 2016, requests "any writing, paper, report, ledger, readable media, electronically stored data, or oher material filed by or with another public agency concerning deductions of "room and board" expenses at forty percent (40%) of PEN worker's gross income, between fiscal year July1, 2015 and July 1, 2016". Your request was received in the office on September 2, 2016, and was acknowledge in a timely manner by PEN on September 8, 2016. On September 26, 2016, PEN sent notification they found two (2) documents which address your complaints, along with the fee associated with obtaining them. On October 12, 2016, PEN provided you with two (2) documents pursuant to your request.

PEN has responded to your complaint stating they have complied with your request by sending those documents, which were not official payroll records of other workers to you. Those documents were promptly provided upon receiving the \$.20 for copies.

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 Prison Enterprises Network 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 PEN’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)*.

Pursuant to the statute *Indiana Code §5-14-3-4(b)(8)(a)* personal files of public employees are exempt from disclosure except those which indicate, “ the name, compensation, job title, job description. Meaning payroll records as mentioned in response would be discloseable to the requesting party. PEN may redact the names of workers and provide payroll like the one sent of Mr. Azania. The records which indicate compensation are disclosable. Confidential financial information – account numbers, social security numbers, etc., should be redacted. That being said, your records request is not reasonably particular to any specific individual; therefore, PEN would have standing to deny your request based upon that factor.

Please do not hesitate to contact me with any questions.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a stylized flourish extending from the bottom.

Luke H. Britt
Public Access Counselor

Cc: Ms. Becky Deeb