



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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December 27, 2016

Mr. Philip D. Henn  
507 West Green Street  
Lebanon, Indiana 46052

*Re: Formal Complaint 16-FC-288; Alleged Violation of the Access to Public Records Act by Indiana State Police*

Dear Mr. Henn:

This advisory opinion is in response to your formal complaint alleging the Indiana State Police (“ISP”) violated the Access to Public Records Act (“APRA”), Indiana Code § 5-14-3-1 et. seq. ISP has responded to your complaint via Ms. Cynthia Forbes, Esq., Legal Counsel. 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 7, 2016.

## **BACKGROUND**

Your complaint dated November 7, 2016, alleges ISP has violated the APRA by denying your records request for a list of 2016 traffic citations.

On or about September 21, 2016, you emailed the ISP public records department requesting the total number of citations issued for each traffic statute violation from the beginning of January 2016 through the date of your request. ISP denied your request on September 27, 2016, claiming the record does not exist. ISP only has access to written citations and not comprehensive databases with the information. ISP later explained to you it would have to compile and aggregate each data set from the written citations and extrapolate the particular information you are seeking. It was willing to do so, but ISP indicated it could take up to a year to complete.

ISP responded to your complaint, but claimed the information you seek does not exist in the form you request. It does not aggregate data from traffic citation, but rather houses traffic citations individually. It cannot be downloaded in bulk.

## 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 Indiana State Police 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 ISP’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 Indiana Code § 5-14-3-3, a public records request must be made with reasonable particularity. From the information provided, it appears as if you have not asked for a specific record, but rather you have asked the agency to create a whole new document extrapolating data from various existing records. The Access to Public Records Act (APRA) does not require a public agency to undertake such a task. If this were as easy as running a simple query, I would advise ISP to go ahead and create the record out of courtesy. However, it appears as if its traffic citation storage system does not have the capability to do so. Therefore, I find ISP has responded appropriately under the circumstances.

## CONCLUSION

Based on the aforementioned, it is the Opinion of the Public Access Counselor the Indiana State Police did not violate the Access to Public Records Act.

Regards,



Luke H. Britt  
Public Access Counselor

Cc: Ms. Cynthia Forbes, Esq.