



# STATE OF INDIANA

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May 11, 2016

David Jackman  
1908 Sandalwood Drive  
Greencastle, Indiana 46135

*Re: Formal Complaint 16-FC-77; Alleged Violation of the Access to Public Records Act by the Putnam County Convention and Visitors Bureau*

Dear Mr. Jackman:

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”), Ind. Code § 5-14-3-1 et. seq. On April 14, 2016 the Bureau responded via Mr. Rick Patel, Bureau President. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on April 6, 2016.

## BACKGROUND

Your complaint dated March 31, 2016 alleges the Allen County Superior Court violated the Access to Public Records Act by not responding to your records request.

On March 24, 2016 you requested a copy of the policies and invoices held by the Bureau. As of the filing of your complaint, you had not received a response.

On April 14, 2016 the Bureau responded, stating it did not receive your request.

On April 25, 2016 the Bureau contacted you, informing you certain records are not in the Bureau’s possession, but it is gathering the bylaws and invoices responsive to your 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 Ind.*

*Code § 5-14-3-1.* The Putnam County Convention and Visitors Bureau is a public agency for the purposes of the APRA. *See Ind. 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 Ind. Code § 5-14-3-3(a).*

A request for records may be oral or written. *See Ind. 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 Ind. 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.

The Bureau has stated it did not receive your request. The APRA does not find an agency liable for a request it did not receive. Neither have you provided this Office with a copy of your original request or addressee. The Bureau has since contacted you, informing you that it was would soon provide the responsive documents in its possession. It is my sincere hope you eventually obtain the records you are seeking.

### CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Putnam County Visitors and Convention Bureau has not 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

Cc: Mr. Rick Patel