
OPINION OF THE PUBLIC ACCESS COUNSELOR

BRYAN K. BULLOCK
Complainant,

v.

SCHOOL TOWN OF HIGHLAND
Respondent.

Formal Complaint No.
17-FC-162

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to the formal complaint alleging the School Town of Highland (“School”) violated the Access to Public Records Act (“APRA”). Ind. Code §§ 5-14-3-1–10. Superintendent Brian J. Smith, responded on behalf of the School. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on July 5, 2017.

BACKGROUND

On April 4, 2017, the Complainant submitted a public records request to the School for a copy of certain student records. The Complainant, an attorney, made the request with the consent of the student's parent. As of the date of the filing, the Complainant had not received any records and had requested a status update on May 22, 2017.

The School Superintendent replied directly to the Complainant acknowledging the amount of time that elapsed since the date of the request, but also indicating the volume of the documents and the limited search function of an email server. The School had apparently produced the records on May 30, 2017, however, it does not appear those records were received. Upon receipt of the formal complaint, the School re-sent the records through certified mail and sent an electronic copy.

ANALYSIS

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." Ind. Code § 5-14-3-1. The School Town of Highland are public agencies for the purposes of the APRA. *See* Ind. Code § 5-14-3-2(n). So, any person has the right to inspect and copy the School'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).

It appears as if the School did not take as long to compile the documents as originally alleged. I cannot say for certain why the correspondence from May 30, 2017, did not arrive, but upon receipt of the complaint from this Office, the Superintendent sent the records straightaway. This indicates more of a logistical or clerical error than any substantive denial of access.

CONCLUSION

Based on the foregoing, it is the Opinion of the Indiana Public Access Counselor the School Town of Highland did not violate the Access to Public Records Act.

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor