
OPINION OF THE PUBLIC ACCESS COUNSELOR

DERRICK HARRIS,
Complainant,

v.

INDIANA DEPARTMENT OF CORRECTION,
Respondent.

Formal Complaint No.
17-FC-180

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the Indiana Department of Correction (“DOC”) violated the Access to Public Records Act (“APRA”). Ind. Code §§ 5-14-3-1 to -10. The DOC has not responded despite an invitation to do so on August 28. Pursuant to 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 24, 2017.

BACKGROUND

Derrick Harris (“Complainant”) contends that the Indiana Department of Correction failed to provide him with requested records.

On July 10, 2017, the Complainant submitted a public records request seeking a certificate of discharge from parole in an identified cause number. As of the date of the filing of his complaint, the document had not been received.

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 Indiana Department of Correction is a public agency for the purposes of the APRA. Ind. Code § 5-14-3-2(n). Therefore, 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. Ind. Code § 5-14-3-3(a). A public agency is required to make a response to a written request that has been mailed within seven (7) days after it is received. Ind. Code § 5-14-3-9(c).

Without the benefit of a response from the agency, it is impossible to determine whether the record exists and if DOC attempted to comply. It should be noted that public agencies are required to cooperate with the investigations of the Public Access Counselor pursuant to Ind. Code § 5-14-5-5.

CONCLUSION

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

A handwritten signature in black ink, appearing to read 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor