
OPINION OF THE PUBLIC ACCESS COUNSELOR

JIMMY B. JAMES,
Complainant,

v.

CITY OF CHARLESTOWN,
Respondent.

Formal Complaint No.
17-FC-193

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to the formal complaint alleging the City of Charlestown (“City”) violated the Access to Public Records Act¹ (“APRA”). The City responded on August 16 via Deputy Clerk Treasurer Nancy Rogers. 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 August 11, 2017.

¹ Ind. Code §§ 5-14-3-1 to -10

BACKGROUND

Jimmy B. James (“Complainant”) filed a formal complaint alleging that the City violated the Access to Public Records Act by wrongfully denying him access to certain records.

On July 17, 2017, the Complainant sought several sets of records from the City. Certain documents were provided to him on August 8, 2017. He claims he was not provided any of the documents he was seeking and was charged a copy fee regardless.

The City argues it was under the impression the Complainant understood certain portions of the request were unfulfilled and would be provided at a later date – specifically historical items. It set a self-imposed deadline of August 22, 2017 for full production of the request. Because this Office has been unable to contact Complainant to confirm satisfaction of his request, it is unclear whether the request remains unfulfilled.

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 City of Charlestown 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 City’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 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).

The Complainant claims that the \$2.80 worth of records provided to him were superfluous to his request, however, the records all appear to be immediately germane to the information sought. A brief review of the materials he provided in his complaint were all adjacent to the City's "Agreement for Provision of Sewage Works."

In any case, the City appears to have continued working on the request and planned to follow up with the information sought within ten days of receipt of his request. Based upon the information available, there does not appear to be a denial of access in this matter.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the City of Charlestown has not violated the Access to Public Records Act.

A handwritten signature in black ink, appearing to read 'LH Britt', with a stylized flourish at the end.

Luke H. Britt
Public Access Counselor