
OPINION OF THE PUBLIC ACCESS COUNSELOR

DANIEL PARVIN.,
Complainant,

v.

THE HOWARD COUNTY SHERIFF'S DEPARTMENT,
Respondent.

Formal Complaint No.
17-FC-231

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the Howard County Sheriff's Department ("Sheriff") violated the Access to Public Records Act ("APRA"). Ind. Code §§ 5-14-3-1 to -10. The Sheriff has not responded despite an invitation to do so on September 26, 2017. 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 September 21, 2017.

BACKGROUND

Daniel Parvin (“Complainant”) contends the Howard County Sheriff’s Office violated the Access to Public Records Act by not responding to a public records request.

On or about September 7, 2017, the Complainant submitted two public records requests for personnel files of himself and one other identified employee. As of the date of the filing of his complaint, he had not received a response.

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 Howard County Sheriff’s Office 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 Sheriff’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).

The records requested could be withheld from disclosure under Ind. Code § 5-14-3-4(b)(8) as it pertains to the other named individuals. Requesters are only entitled to their own personnel file and not those of others save for the statutorily enumerated information. In any case, even if the request was denied, the Complainant would be entitled to a written explanation of the denial pursuant to Ind. Code § 5-14-3-9.

Without the benefit of a response from the Sheriff, there is no indication there was any defect in service of the request. Pursuant to Ind. Code § 5-14-5-5, a public agency shall cooperate with this Office in any investigation into public access matters.

CONCLUSION

Based on the foregoing, it is the opinion of the Public Access Counselor that the Howard County Sheriff's Office violated the Access to Public Records Act.

A handwritten signature in black ink, appearing to read 'LHB', is positioned above the name of the Public Access Counselor.

Luke H. Britt
Public Access Counselor