

## STATE OF INDIANA

**ERIC J. HOLCOMB, Governor** 

# PUBLIC ACCESS COUNSELOR LUKE H. BRITT

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### OPINION OF THE PUBLIC ACCESS COUNSELOR

Gary VanOverberghe,  Complainant  v.  TOWN OF LONG BEACH	) ) ) ) 17-FC-63 ) )
Respondent	) )

### ADVISORY OPINION April 27, 2017

This advisory opinion is in response to your formal complaint alleging the Town of Long Beach ("Town") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-1.5-1 et. seq. The Town responded on April 7, 2017 via Joseph C. Svetanoff. His reponse is enclosed for your review. 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 March 13, 2017.

#### **BACKGROUND**

The formal complaint dated March 13, 2017 alleges the Town of Long Beach has violated the APRA by denying access to records. Complainant requested a copy of a building permit and stop work order. The request was denied as the records were moved and Complainant was told they were housed in another location.

The Town responded arguing a change in personnel was the cause for an inadvertent denial. The records were subsequently provided.



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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 Indiana Code § 5-14-3-1*. The Town of Long Beach is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the Town's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

After some initial confusion, it appears as if the Town provided the responsive records within a reasonable time. The original denial was inadvertent and the Complainant now has the records he sought.

#### **CONCLUSION**

Based on the foregoing, it is the Opinion of the Public Access Counselor the Town of Long Beach has not violated the Access to Public Records Act.

Luke H. Britt

**Public Access Counselor** 

Cc: Mr. Joseph C. Svetanoff