



# STATE OF INDIANA

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July 6, 2009

Curtis Jackson  
DOC #973802  
PO Box 1111  
Carlisle, Indiana 47838

*Re: Formal Complaint 09-FC-149; Alleged Violation of the Access to Public Records Act by the Wabash Valley Correctional Facility*

Dear Mr. Jackson:

This advisory opinion is in response to your formal complaint alleging Wabash Valley Correctional Facility ("Facility") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by failing to respond to your request for access to records. The Facility's response to the complaint is enclosed for your reference. It is my opinion the Facility's response to your request was untimely but the Facility did not otherwise violate the APRA.

## BACKGROUND

You filed the present complaint on June 25, 2009 (postmarked June 23), alleging the Facility did not respond to your June 9 request for access to records. You requested priority status for the complaint but did not allege any of the circumstances for priority status outline in 62 IAC 1-1-3, so priority status was not granted.

The Facility responded to the complaint by letter dated July 2 from Public Information Officer Rich Larsen. The Facility responded to the request on June 19 and included a copy of the response to your request with the response to the complaint. In the June 19 response is an indication the Facility received the request on June 10. In the June 19 letter, the Facility asks you to specify which packet(s) you wish to review.

## ANALYSIS

The public policy of the APRA states, "(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." I.C. § 5-14-3-1. The Facility is clearly a public agency for the purposes of the APRA. I.C. § 5-14-3-2(m). Accordingly, any person has the right to inspect and copy the public records

of the Facility during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. § 5-14-3-3(a).

A request for records may be oral or written. I.C. §§ 5-14-3-3(a), 5-14-3-9(c). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. I.C. § 5-14-3-9(b).

Here the Facility indicates it received your request on June 10 and responded on June 19. If the Facility's first response was on June 19, the agency did not provide a timely response since it did not send the response within seven days of receipt of the request. I.C. § 5-14-3-9(b). The Facility has now responded to your request and has asked you to provide further information so it may make the records available to you.

#### CONCLUSION

For the foregoing reasons, it is my opinion the Facility's response to your request was untimely did the Facility did not otherwise violate the APRA.

Best regards,



Heather Willis Neal  
Public Access Counselor

Cc: Rich Larsen, Wabash Valley Correctional Facility