



# STATE OF INDIANA

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August 21, 2009

Samuel Shaw  
627 H Street  
Bedford, Indiana 47421

*Re: Formal Complaint 09-FC-179; Alleged Violation of the Access to Public Records Act by North Lawrence Community Schools*

Dear Mr. Shaw:

This advisory opinion is in response to your formal complaint alleging North Lawrence Community Schools ("NLCS") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to records. NLCS's response to the complaint is enclosed for your reference. It is my opinion NLCS did not violate the APRA.

## BACKGROUND

You allege that on July 16, 2009 you requested copies of records related to specific meetings of the NLCS Board. You filed the present complaint on August 6 (postmarked August 5).

NLCS responded to the complaint by electronic mail message dated August 17 from Superintendent Dennis Turner. NLCS provided a copy of an August 17 letter to you. NLCS contends that on July 20 it mailed to you a copy of the minutes you requested. On August 17, NLCS mailed you a copy of the transcription you requested.

## 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. NLCS 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 NLCS 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 (or as this office has said, electronic mail) 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).

A response could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. There are no prescribed timeframes when the records must be produced by a public agency. A public agency is required to regulate any material interference with the regular discharge of the functions or duties of the public agency or public employees. I.C. § 5-14-3-7(a). However, section 7 does not operate to deny to any person the rights secured by section 3 of the Access to Public Records Act. I.C. § 5-14-3-7(c). Former public access counselors and I have opined that records must be produced within a reasonable period of time, based on the facts and circumstances.

Here NLCS provided you copies of the minutes you requested on July 20, four days after your request. Further, NLCS provided you a copy of the transcription on August 17. In my opinion NLCS has satisfied its obligation under the APRA.

#### CONCLUSION

For the foregoing reasons, it is my opinion the NLCS did not violate the APRA.

Best regards,



Heather Willis Neal  
Public Access Counselor

Cc: Dennis Turner, North Lawrence Community Schools