



STATE OF INDIANA

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March 24, 2009

Greg Sobin
DOC #113650
5501 South 1100 West
Westville, Indiana 46391

Re: Formal Complaint 09-FC-64; Alleged Violation of the Access to Public Records Act by the Office of the Indiana Attorney General

Dear Mr. Sobin:

This advisory opinion is in response to your formal complaint alleging the Office of the Indiana Attorney General ("Attorney General") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to records. A copy of the Attorney General's response to the complaint is enclosed for your reference. In my opinion the Attorney General has not violated the APRA.

BACKGROUND

You allege that you have repeatedly been denied access to records maintained by the Attorney General. Specifically, you allege you have requested copies of records related to your tort claim. Your complaint was postmarked on February 19, 2009, and my office received it on February 23.

The Attorney General responded to the complaint by letter dated March 10 from Richard Bramer. The Attorney General contends that you have not requested copies of records. Mr. Bramer provides a timeline regarding your tort claim. The Attorney General contends that in letters dated January 24 and February 4, you requested status updates regarding the processing of your claim. The claim was approved on February 25, and a check was issued to you on March 4.

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 Attorney General 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 Attorney General 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). The request must identify with reasonable particularity the record being requested. § 5-14-3-3(a). Here, you requested status updates from the Attorney General. The APRA does not address requests for such information. Instead, it only contemplates requests for access to records. You did not identify a record with reasonable particularity. As such, you did not request access to records under the APRA.

CONCLUSION

For the foregoing reasons, it is my opinion the Attorney General has not violated the APRA.

Best regards,



Heather Willis Neal
Public Access Counselor

Cc: Richard Bramer, Office of the Attorney General