



STATE OF INDIANA

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June 25, 2009

Samuel Shaw
627 H Street
Bedford, Indiana 47421

Re: Formal Complaint 09-FC-142; Alleged Violation of the Access to Public Records Act by the North Lawrence Community Schools

Dear Mr. Shaw:

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

BACKGROUND

You filed the present complaint on June 1, 2009, alleging the School did not respond to your most recent request for access to records.

The School responded to the complaint by letter dated June 23 from Superintendent Dennis Turner. The School contends that it received your request on or about May 4 and responded on or about May 12. The School contends it has provided you copies of all requested information.

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 School 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 School 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 School indicates it received your request on or about May 4 and responded on or about May 12. If the School received your request on May 4 and responded on May 12, 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 School has now provided you all the requested information, so the School has not otherwise violated the APRA.

I would note that the School is only required to provide one copy of a record to you. *See* I.C. § 5-14-3-8(e). To the extent you submit subsequent requests for the same record(s), the School is not obligated to provide additional copies. Further, keep in mind that the APRA requires an agency to provide access to inspect and copy records. It does not require an agency to answer questions.

CONCLUSION

For the foregoing reasons, it is my opinion the School's response to your request may have been untimely did the School did not otherwise violate the APRA.

Best regards,



Heather Willis Neal
Public Access Counselor

Cc: Dennis Turner, North Lawrence Community Schools