



STATE OF INDIANA

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April 1, 2010

J. Justin Murphy
Murphy Law Firm
6939 Kennedy Ave.
Hammond, IN 46323

Re: Informal Inquiry 10-FC-17; City of East Chicago

Dear Mr. Murphy:

This is in response to your informal inquiry regarding the City of East Chicago's ("City") alleged failure to respond to your public records request. Pursuant to Ind. Code § 5-14-4-10(5), I issue the following informal opinion in response to your inquiry. My opinion is based on applicable provisions of the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.*

In your inquiry, you allege that you submitted a records request to the City on December 7, 2009. After you received no response from the City, you sent a letter to the City on March 8, 2010, advising the City that your request was "past due." It is unclear whether the City responded to your March 8th letter. In any event, you allege that the City's failure to respond to your request within seven (7) days was a violation of the APRA. Assuming the veracity of your factual allegations, I agree.

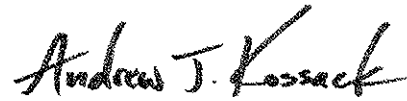
A request for records may be oral or written. I.C. §5-14-3-3(a); §5-14-3-9(c). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. I.C. §5-14-3-9(b). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. I.C. §5-14-3-9(a). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. Here, if the City failed to respond to your written request within the required seven (7) days, the City violated the APRA.

I encourage the City to respond to your request as soon as is practicable. If the City chooses to deny your request, the APRA requires public agencies to deny requests in writing and include a statement of the specific exemption or exemptions authorizing the withholding of all or part of the record and the name and title or position of the person responsible for the denial. I.C. § 5-14-3-9(c). If the City cannot cite to a statutory basis

for withholding the records you seek, it should produce them in accordance with section 3 of the APRA.

If I can be of any additional assistance, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive style with a prominent, sweeping initial 'A'.

Andrew J. Kossack
Public Access Counselor