



# STATE OF INDIANA

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March 12, 2015

Mr. Canek Phillips  
Graduate Student  
Purdue School of Engineering Education  
[canek.phillips@gmail.com](mailto:canek.phillips@gmail.com)

*Re: Informal Inquiry 15-INF-02; Purdue Research Foundation (PRF)  
Private Donations Disclosure Request*

Dear Mr. Phillips:

This is in response to your informal inquiry regarding records maintained by Purdue Research Foundation ("PRF"). Pursuant to Ind. Code § 5-14-13-1, I issue the following informal opinion in response to your inquiry. My opinion is based on applicable provisions Ind. Code § 5-11-1-16(c) and Ind. Code § 5-13-4-20.

## **BACKGROUND**

Mr. Phillips seeks disclosure of fiscal information for 2015 from Purdue University. Specifically, Mr. Phillips seeks disclosure of a list of investments which includes each company, with the specific amounts of money corresponding to each company, and the party who verified that particular list. Purdue Research Foundation is a non-profit organization that manages the funds in the endowment which consists of gifts, bequests, and donations from a private individual or entities.

## **ANALYSIS**

According to the Access to Public Records Act ("APRA") Ind. Code § 5-14-3-1, "it is the public policy of the state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." This opinion will focus on whether the PRF qualifies as a public agency or public office.

Public office is defined as, "the office of any and every individual who for or on behalf of the state or any municipality or any public hospital holds, receives, disburses, or keeps the accounts of the receipts and disbursements of any public funds." Ind. Code § 5-11-1-

16(c). Public funds are “all fees and funds of whatever kind or character coming into the possession of any public officer by virtue of that office” Ind. Code § 5-13-4-20.

In *State Bd. of Accounts v. Indiana Univ. Found.*, 647 N.E.2d 342, 355 (Ind. Ct. App. 1995), the court found that a public university does not hold funds for the use of the state. Furthermore, the university does not act in performance of state functions and therefore is not a public agency subject to the statute. This holding is analogous to the present situation.

PRF is a non-profit organization which does not hold or keep funds on the behalf of any state, municipality, or state agency. The funds are not public in nature; as they originate from private donors or private entities. Because of this, PRF is not required to disclose the requested information under the APRA.

Best regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Abby K. Daniels, Esq.