



STATE OF INDIANA

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June 7, 2016

Mr. David Schilling
Via email

Re: Informal Inquiry 16-INF-15; Agency use of Confidential Information

Dear Mr. Schilling:

This is in response to your informal inquiry regarding whether the Monroe County Treasurer's Office may access confidential records in order to fulfill its duty as a government agency.

BACKGROUND

You seek a determination as to whether a government agency may access confidential information in limited circumstances. The treasurer's office wishes to access taxpayer telephone records maintained by the county assessor. You note Indiana Code § 5-14-3-6.5 requires a public agency which receives confidential information maintain the confidentiality of the information. Telephone numbers obtained by the assessor are confidential information under statute. However, the treasurer seeks to use the telephone numbers to contact taxpayers whose refunds are due.

ANALYSIS

Indiana Code § 5-14-3-6.5 states "[a] public agency that receives a confidential public record from another public agency shall maintain the confidentiality of the public record." This enables the sharing of confidential information in order for the local government unit to perform its official duties efficiently.

You have stated there are telephone numbers in Sales Disclosure forms maintained by the county assessor collected pursuant to property conveyance. Because the telephone numbers in those forms are considered confidential information pursuant to Indiana Code § 6-1.1-5-5-5, the assessor has a duty to maintain their confidentiality and any agency which receives those forms from the Assessor must in turn also maintain confidentiality. The telephone numbers must be guarded from public inspection, but that does not necessarily mean they cannot be disclosed to another public agency under Indiana Code § 5-14-3-6.5. For example, the State Department of Local Government Finance also receives the information on these forms from county assessors.

Both the treasurer's office and the assessor's office undoubtedly receive information which has been declared confidential under the APRA. However, I do not consider it to be an impermissible disclosure for the assessor's office to provide the phone numbers to the treasurer's office if the treasurer's office also protects them from public inspection. As long as the treasurer's office remains cognizant of Indiana Code § 5-14-3-6.5 (and in turn Indiana Code § 6-1.1-5.5-5), it is my opinion the phone numbers should be provided to the treasurer's office as a matter of professional courtesy.

Please do not hesitate to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to read 'L. Britt', with a large, sweeping flourish underneath.

Luke H. Britt
Public Access Counselor