



STATE OF INDIANA
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July 15, 2013

Mr. Carl Sean Hall
DOC 985346
3038 W 850 S
Bunker Hill, Indiana 46914

*Re: Formal Complaint 13-FC-194(a); Alleged Violation of the Access to
Public Records Act by the St. Joseph County Jail*

Dear Mr. Hall:

This amended advisory opinion is in response to your formal complaint alleging the St. Joseph County Jail ("Jail") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* I have granted your request priority status pursuant to 62 Ind. Admin. Code 1-1-3(3). Eric Tamashasky, Legal Deputy, responded on behalf of the Jail. His response is enclosed for your reference.

BACKGROUND

In your formal complaint, you provide that you submitted a written request for records to the Jail on June 11, 2013. As of July 8, 2013, the date you filed your formal complaint with the Public Access Counselor's Office, you allege that you have yet to receive any response to your request.

In response to your formal complaint, Mr. Tamashasky advised that the Jail Warden has now complied with your request and all records responsive to it have been provided.

ANALYSIS

The public policy of the APRA states that "(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." *See* I.C. § 5-14-3-1. Accordingly, any person has the right to inspect and copy a public agency's public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

A request for records may be oral or written. *See* I.C. § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. *See* I.C. § 5-14-3-9(a). 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. *See* I.C. § 5-14-3-9(b). A response from the public agency could be an acknowledgement that the request has been received and include information regarding how or when the agency intends to comply. As applicable here, the Jail acted contrary to the requirements of section 9 of the APRA when it failed to respond to your written request for records within seven (7) days of receipt. Regardless, the Jail has now provided that all records responsive to your request were mailed the week of July 8, 2013, which I trust is in satisfaction of your formal complaint.

CONCLUSION

For the foregoing reasons, it is my opinion that the Jail acted contrary to the requirements of section 9 when it failed to respond to your written request for records within seven (7) days of receipt. As the Jail has now provided all records responsive to your request, I trust this to be in satisfaction of your formal complaint.

Best regards,

A handwritten signature in black ink, appearing to read 'J. Hoage', written in a cursive style.

Joseph B. Hoage
Public Access Counselor

cc: Eric Tamashasky