



# STATE OF INDIANA

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July 8, 2008

Joe Cooper  
PO Box 22327  
Indianapolis, Indiana 46222-0327

*Re: Formal Complaint 08-FC-163; Alleged Violation of the Access to Public Records Act by the Indiana Judicial Center*

Dear Mr. Cooper:

This advisory opinion is in response to your formal complaint alleging the Indiana Judicial Center ("Center") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to records. The Center's response to the complaint is enclosed for your reference. It is my opinion the Center's response was untimely but the Center did not otherwise violate the APRA.

## BACKGROUND

You allege that on June 23, 2008 you sent to the Center by facsimile transmission a request for access to records. You allege that the Center failed to respond to the request. You filed this complaint on July 1.

The Center responded to the complaint by electronic mail dated July 7 from Paula Hart of the Indiana State Auditor's Office. Ms. Hart explains that the Center received your request on June 23 and sent it to the Auditor's Office on June 24, asking the Auditor's Office to respond since the Auditor maintains the requested information. Ms. Hart indicates she has no record of having received the request from the Center. After learning about this complaint, Ms. Hart asked you to send your request again. Ms. Hart has now provided you with the 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 Center is clearly a public agency for the purposes of the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the Center 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 Center received your request on June 23 and sent it to the Auditor's Office for response. The Center has a duty under the APRA to respond to the request within seven days of receipt. I.C. § 5-14-3-9(b). Often when an agency sends a request to another agency for production of records, the original receiving agency will send correspondence to the requester indicating the request has been sent to another agency for response.

While the Center's response was not made within seven days of receipt of the request, it is my opinion the Center has remedied the denial by providing you with the requested records as soon as it learned the request had not been received by the Auditor's Office.

#### CONCLUSION

For the foregoing reasons, it is my opinion the Center's response was untimely but the Center did not otherwise violate the APRA.

Best regards,



Heather Willis Neal  
Public Access Counselor

Cc: Jane Seigel, Indiana Judicial Center