



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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April 23, 2015

Mr. Rudy Robles #248491
Pendleton Correctional Facility
4190 West Reformatory Road
Pendleton, IN 46064

Re: Formal Complaint 15-FC-101; Alleged Violation of the Access to Public Records Act by the Madison County Correctional Complex

Dear Mr. Robles,

This advisory opinion is in response to your formal complaint alleging the Madison County Correctional Complex (“Complex”) violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 *et. seq.* The Complex has not responded to your complaint despite an invitation to do so on March 23, 2015. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on March 18, 2015.

BACKGROUND

Your complaint dated March 10, 2015 alleges the Madison County Correctional Complex violated the Access to Public Records Act by failing to provide the records you requested.

On February 24, 2015, you requested from the Complex a copy of the booking records for a referenced cause number, the date of transfer from the Madison County jail and the complete time of incarceration at the jail. As of the date of the filing of your request, you had not received any information responsive to your request.

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 Ind. Code § 5-14-3-1. The Madison County Correctional Complex is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the



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right to inspect and copy the Complex's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

A request for records may be oral or written. See Ind. Code § 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 Ind. Code § 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 Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

Without the benefit of a response from the Complex, I do not have any justification as to why your records request was not acknowledged. As such, it is deemed a denial. There are no exceptions to disclosure for the information you seek. To the extent they exist, they should be provided to you.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Madison County Correctional Complex has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt
Public Access Counselor