



# STATE OF INDIANA

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February 26, 2015

Mr. Kevin Watson  
Correctional Industrial Facility  
5124 W. Reformatory Rd.  
Pendleton, IN 46064

*Re: Formal Complaint 15-FC-12; Alleged Violation of the Access to Public Records Act by the Indiana Legislative Services Agency*

Dear Mr. Watson,

This advisory opinion is in response to your formal complaint alleging Indiana Legislative Services Agency ("LSA"), violated the Access to Public Records Act ("APRA") Ind. Code § 5-14-3-1 *et. seq.* LSA has responded to your complaint via George Angelone, Esq., Executive Director. His response is enclosed for your review. I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on January 15, 2015.

## BACKGROUND

Your complaint dated January 12, 2015 alleges the Indiana Legislative Services Agency violated the Access to Public Records Act by failing to produce information you requested.

On or about December 29, 2014, you requested several "bills" from Representative John Bartlett regarding several subject matters. You claim you have not received the information you requested.

The LSA responded to your request by explaining that LSA (or Representative Bartlett) is not the keeper of the records. There is also a copy fee you would need to remit before the release of any records from an agency. Finally, LSA argues that your request is not reasonably specific, as it does not identify a specific date or amendment when one of the bills was enacted or changed.

The LSA offers an electronic link to the bills enacted since 1996 and in the case you are unable to access them on the Internet, the LSA will forward you hard copies to the extent you identify the records you seek with reasonable particularity.

### **DISCUSSION**

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 Indiana Legislative Services Agency is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy LSA’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).

Under Ind. Code § 5-14-3-3(a)(1), a request for public records must identify the records sought with reasonable particularity. Your request does lack the necessary specificity required for the LSA to determine which records you seek. Furthermore, the LSA does not maintain a copy of the laws<sup>1</sup>. The Indiana Secretary of State may be able to assist in your search provided you identify the particular bill for which you are searching. Please be advised there may be a copy fee associated with any production of documents under Ind. Code § 5-14-3-8. Also note there is no provision for indigent status as it relates to public records.

### **CONCLUSION**

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Legislative Services Agency has not violated the Access to Public Records Act.

Regards,



Luke H. Britt  
Public Access Counselor

Cc: Mr. George Angelone, Esq.

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<sup>1</sup> Please note there is an ongoing debate as to the question of whether a particular governmental agency “owns” the law or if the law is public domain. That will not be specifically addressed here; however, there are many resources available for you to research enacted bills and statutes, including the Internet and the DOC’s law library.