



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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May 7, 2015

Mr. Nathaniel Harris - #967186
Pendleton Correctional Facility
5124 W. Reformatory Road
Pendleton, IN 46914

Re: Formal Complaint 15-FC-125; Alleged Violation of the Access to Public Records Act by the Marion County Superior Court, Clerk's Office

Dear Mr. Harris,

This advisory opinion is in response to your formal complaint alleging the Marion County Superior Court, Clerk's Office ("Clerk's Office") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Clerk's Office has not responded to your complaint, despite an invitation to do so on April 15, 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 April 6, 2015.

BACKGROUND

Your complaint dated April 2, 2015 alleges the Clerk's Office violated the Access to Public Records Act by failing to provide the records you requested.

You made a request for records to the Clerk's Office. You contend the records you were provided are incomplete.

You also allege a violation of the Open Door Law although you do not present a factual set of circumstances lending itself to a finding.

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 Marion County Superior Court, Clerk's Office is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person



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has the right to inspect and copy the Clerk's Office's disclosable 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).

While there has not been a response from the Office, you have not provided sufficient information in order for this Office to make a conclusive determination. You have not provided any supplemental documentation (your original request, a denial from the Court, etc.) to substantiate a violation.

Additionally, while you have alleged a violation of the Open Door Law, no such violation can be extrapolated from your complaint. While you contend you were denied access to hearings and other proceedings, your denial of access to those judicial proceedings is not covered by the ODL.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Marion County Superior Court has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt
Public Access Counselor