



STATE OF INDIANA

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August 14, 2015

Gregory P. Bowes
445 N. Pennsylvania St, Ste 817
Indianapolis, IN 46204

Re: Formal Complaint 15-FC-207; Alleged Violation of the Access to Public Records Act by the City of Indianapolis Information Services Agency

Dear Mr. Bowes,

This advisory opinion is in response to your formal complaint alleging the City of Indianapolis Information Services Agency ("ISA") violated the Access to Public Records Act ("APRA") Ind. Code § 5-14-3-1 *et. seq.* The ISA has not responded to your complaint despite an invitation to do so on July 23, 2015. I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on July 15, 2015.

BACKGROUND

On March 23, 2014, you hand-delivered two requests for records. You requested:

1. A list of all the telephone numbers relating to telephone calls sent from or received by the telephone assigned to LaDonna Freeman, restricted to between January 6, 2012 and April 24, 2012.
2. A list of all the telephone numbers relating to telephone calls sent from or received by the telephone assigned to Cindy Mowery, restricted to between January 6, 2012 and April 24, 2012.
3. Email messages sent to or received by LaDonna Freeman and 18 named individuals, restricted to between January 6, 2012 and April 24, 2012.
4. Email messages sent to or received by Cindy Mowery and 12 named individuals, restricted to between January 6, 2012 and April 24, 2012.

You did not receive a response related to those requests.

On June 22, 2015, you resubmitted those requests. Your request was acknowledged on June 23. As of the filing of this complaint, you have not received a response; despite previously being able to receive similar information within a few days.

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 Information 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 the ISA’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).

Without benefit of a response from ISA, I cannot determine why you have not received your records, however, it appears as if a reasonable time has elapsed without at least a status update from the agency. Additionally, Ind. Code § 5-14-5-5 states that a public agency must cooperate with an investigation of this Office pursuant to a formal complaint. The ISA should have updated you on the progress of the search, provided the documents, or denied your request citing any applicable exceptions to disclosure.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the City of Indianapolis Information Services Agency violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor