



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

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August 10, 2015

Mr. William S. Branson #252517  
New Castle Correctional Facility  
1000 Van Nuys Road  
P.O. Box A  
New Castle, IN 47362

*Re: Formal Complaint 15-FC-210; Alleged Violation of the Access to Public Records Act by the Putnam County Prosecutor's Office*

Dear Mr. Branson,

This advisory opinion is in response to your formal complaint alleging the Putnam County Prosecutor's Office ("Prosecutor") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Prosecutor has responded to your complaint via Tim Bookwalter, Esq., Prosecuting Attorney. His response is enclosed for your review. 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 June 22, 2015.

## BACKGROUND

Your complaint dated June 16, 2015 alleges the Putnam County Prosecutor's Office violated the Access to Public Records Act by failing to timely respond to your request.

You mailed a request for documents on June 2, 2015 seeking records related to a specific cause number but received no reply within seven (7) days.

On July 28, 2015, the Prosecutor's Office responded to your complaint. The Office notes that you have requested, numerous times, information from your case file. In response to a previous request, the Prosecutor provided you with a copy of your case file, with confidential information withheld. Therefore, the Prosecutor alleges that you have the records you are requesting and your newest request is redundant.



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## 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 Putnam County Prosecutor’s Office 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 Prosecutor’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).

The Prosecutor’s Office has noted that you have been provided with all documents in your case file, with confidential items withheld. You appear to be requesting witness testimony and statements. This is not confidential under the APRA, but does not appear to be in the Prosecutor’s file. Any testimony, if transcribed, would be in the Court’s file. The APRA does not require a public agency to provide additional copies of public records, if it has already done so.

The Prosecutor has not argued that it did respond to your complaint, merely that your request was redundant to a previous request. It appears as if you have everything the Prosecutor can provide in its files.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the Putnam County Prosecutor’s Office has not 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

Cc: Mr. Tim Bookwalter, Esq.