



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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October 7, 2015

William Branson
New Castle Correctional Facility
P.O. Box A
New Castle, IN 46362

Re: Formal Complaint 15-FC-223; Alleged Violation of the Access to Public Records Act by the Putnam County Circuit Court (Amended)

Dear Mr. Branson,

This advisory opinion is in response to your formal complaint alleging the Putnam County Circuit Court ("Court") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Office has responded via Hon. Judge Matthew L. Headley. 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 August 3, 2015.

BACKGROUND

On or about July 8, 2015, you requested "a complete copy of any and all documents, reports, transcripts regarding of showing in writing of the denial of "my" motion for clarification under Cause # 67C01-1110-FA-00232." You allege the Court did not respond to your request within seven days. You dated your formal complaint on July 23, 2015.

Judge Headley responded to your complaint arguing that you have received all the information which would be responsive to your request. He states that the court file does not contain the records request form you submitted to this office. You did receive a copy of the CCS dated June 23.¹

ANALYSIS

¹ Judge Headley issued a response on October 2, which clarified his initial response. This subsequent response prompted the issuing of this amended opinion.



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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 Court 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 Court'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.

The Court has stated that it did not receive your request form. The APRA states that a public agency cannot be held accountable to a request it did not receive. However, the Court is now aware of your request. It is my hope that you receive the records you are requesting.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the Putnam County Circuit Court 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



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Cc: Hon. Judge Matthew L. Headley