



# STATE OF INDIANA

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October 14, 2015

Jeremy Nielson  
2715 DeKalb Street  
Lake Station, IN 46405

*Re: Formal Complaint 15-FC-244; Alleged Violation of the Access to Public Records Act by the Lake Station Police Department*

Dear Mr. Nielson,

This advisory opinion is in response to your formal complaint alleging the Lake Station Police Department (“Department”) violated the Access to Public Records Act (“APRA”) Ind. Code § 5-14-3-1 *et. seq.* Lake Station has not responded to this complaint, despite an invitation by this office to do so on September 2, 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 September 1, 2015.

## **BACKGROUND**

On July 31, 2015, you sent a request to Lake Station requesting a copy of all records requests you have submitted. You were not given a response, and are alleging that the Department violated the APRA by neglecting to respond within seven (7) days. As of the filing of your complaint, you had not received an acknowledgment nor the production of records.

## **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 Lake Station Police Department 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 Department’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.

Without benefit of a response from the Department, I cannot determine the reason for its failure to respond. It is my sincere hope this Opinion is the catalyst for appropriate action pursuant to your request.

### **CONCLUSION**

Based on the foregoing, it is the Opinion of the Public Access Counselor the Lake Station Police Department violated the Access to Public Records Act.

Regards,

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

Luke H. Britt  
Public Access Counselor