



# STATE OF INDIANA

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April 1, 2015

Barbara Cooper  
5738 Cricket Ridge  
Indianapolis, IN 46250

*Re: Formal Complaint 15-FC-70; Alleged Violation of the Access to Public Records Act by the Marion County Circuit Court*

Dear Ms. Cooper,

This advisory opinion is in response to your formal complaint alleging the Marion County Circuit Court ("Court") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* 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 February 20, 2015.

## BACKGROUND

Your complaint dated February 13, 2015 alleges the Marion County Circuit Court violated the Access to Public Records Act by denying you access to requested information.

On January 5, 2015, you submitted a public records request to the Marion County Clerk in care of Elizabeth White requesting all records regarding a specific cause number. On January 21, 2015 you received an acknowledgement from a staffer, but were not told when your records would be available. At the time of filing your complaint, you had not received a response.

On March 9, 2015, you were notified the case file you requested is being held for a pending hearing. You were also advised you could come to view the file in person.

## 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.) Marion County Circuit 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).

The records staff acknowledges the delay in getting your information; however, you were notified the file was being held for a pending hearing. Your complaint was against the Court itself, however, your public records request was made to Elizabeth White whose term expired in 2014 and a new clerk is now serving Marion County. The Circuit Court likely did not receive your request. You have now been notified as to which Court holds the records you seek. It is my sincere hope you are able to retrieve this information in an expedited fashion.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long horizontal flourish extending to the left.

Luke H. Britt  
Public Access Counselor