



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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September 9, 2016

Sebastian Chapman - #860995
Miami Correctional Facility
3038 West 850 South
Bunker Hill, Indiana 46914

Re: Formal Complaint 16-FC-189; Alleged Violation of the Access to Public Records Act by the Indiana Department of Workforce Development

Dear Mr. Chapman:

This advisory opinion is in response to your formal complaint alleging the Indiana Department of Workforce Development (“DWD”) violated the Access to Public Records Act (“APRA”), Indiana Code § 5-14-3-1 et. seq. The DWD responded via Mr. Allan Wasson, Esq., Staff Attorney. His response is enclosed for your review. Pursuant to Indiana 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 5, 2016.

BACKGROUND

Your complaint dated August 2, 2016, alleges the DWD violated the Access to Public Records Act by failing to provide the records you requested. On or about July 19, 2016, you submitted a public records request to the DWD for a various records. As of the date of the filing of your formal complaint, you had not received a response.

The DWD responded to your complaint by stating they never received the request in question. Additionally, they are willing to assist you with the records you seek (see the “Recommendations” section below).

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 Indiana Code § 5-14-3-1*. The Marion County Clerk is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)(1)*. Accordingly, any person has the right to inspect and copy the Clerk’s disclosable public records during

regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a).*

From my experience and knowledge with the Department of Correction prison system, there are occasions where inmate correspondence is not delivered to the intended recipient or is accompanied with a delay. This is an unfortunate but understandable casualty of the prison mail system and facility security. My recommendation below is a reflection of past dealings with inmate mail frustrations. It is my sincere hope you receive the records you request in a timely manner.

RECOMMENDATIONS

Based on the forging, in the opinion of the Public Access Counselor the Department of Workforce Development produce the records you seek, if they exist, in a timely manner after receipt of this Opinion.

Regards,

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

Luke H. Britt
Public Access Counselor

Cc: Mr. Allan Wasson, Esq.