



# STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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## OPINION OF THE PUBLIC ACCESS COUNSELOR

MATT OAKLEY,

Complainant

v.

FLOYD COUNTY  
TREASURER AND AUDITOR

Respondent

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16-FC-313

### ADVISORY OPINION January 27, 2017

This advisory opinion is in response to the formal complaint alleging the Floyd County Treasurer and Auditor (“Floyd County”) violated the Access to Public Records Act (“APRA”), Indiana Code § 5-14-1.5-1 et. seq. The County has not responded despite an invitation to do so on December 20, 2016. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on December 15, 2016.

### BACKGROUND

The complaint dated December 15, 2016, alleges the Floyd County Treasurer and Auditor have violated the APRA by not acknowledging the Complainant’s record request within the statutory timeframe. The Complainant hand-delivered a records request on December 13, 2016. On December 15, 2016, the Complainant had not received a response from Floyd County acknowledging his request. The Complainant filed his formal complaint on December 15, 2016.

Floyd County has not responded to the formal complaint filed against the agencies.



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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 Indiana Code § 5-14-3-1*. The Floyd County Treasurer and Auditor are a public agencies for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the County'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)*.

A request for records may be oral or written. *See Indiana Code § 5-14-3-3(a); § 5-14-3-9(c)*. 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 Indiana 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.

If this letter was delivered personally to the public official's office, the agency has 24 hours to respond to the request. If an agency chooses to deny the request, it is required to respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial. Without the benefit of a response from Floyd County, I cannot determine if there are any justifications for the oversight.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Floyd County Treasurer and Auditor have violated the APRA.

A handwritten signature in black ink, appearing to read "LH Britt".

Luke H. Britt  
Public Access Counselor