

December 6, 2002

Mr. Larriante J. Sumbry
#965137 C-455
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361-0041

Re: *Advisory Opinion 02-FC-67*; ; Alleged Denial of Access to Public Records by the Hammond City Clerk's Office.

Dear Mr. Sumbry:

This is in response to your formal complaint, which was received on November 25, 2002. You have alleged that the Hammond City Clerk's Office ("Clerk's Office") has violated the Indiana Access to Public Records Act ("APRA"), Indiana Code chapter 5-14-3. Specifically, you allege that the Clerk's Office denied your public records request dated November 12, 2002. Mr. Robert Golec, City Clerk, responded verbally to your complaint. It is my opinion that the Clerk's Office did not violate the APRA by failing to provide you with the documents you requested because the Clerk's Office never received your November 12th request.

BACKGROUND

According to your complaint, in a letter dated November 12, 2002, you requested from the Clerk's Office certain information from your case file, 96-1405:

1. The name and address of the judge who sentenced you on May 7, 1996; and
2. The name of the chief public defender of the Hammond City Court.

When you had not received a response seven (7) days after you mailed your request, you filed the formal complaint form with this Office alleging that you had been denied access to these public records.

In his response, Mr. Golec stated that he searched his records to look for your November 12th request. He determined that his Office never received your request.

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." Ind. Code § 5-14-3-1. The Clerk's Office is clearly a public agency for the purpose of the APRA. Ind. Code § 5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the Clerk's Office during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under Indiana code section 5-14-3-4. Ind. Code § 5-14-3-3(a).

According to your complaint, you sent the Clerk's Office your request on or about November 12, 2002. The Clerk's Office, however, never received your request. For this reason, it is my opinion that you were not denied access to public records by the Clerk's Office in violation of the APRA.

CONCLUSION

It is my opinion that the Hammond City Clerk's Office did not violate the Access to Public Records Act with respect to your November 12, 2002 request because the Clerk's Office never received your request.

Sincerely,

Anne Mullin O'Connor

Enclosure

cc: Clerk Robert Golec
