



STATE OF INDIANA

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August 18, 2008

Andre Nelson
DOC #934979
Pendleton Correctional Facility H-10-1A
4490 West Reformatory Road
Pendleton, Indiana 46064

Re: Informal Inquiry 08-INF-34 regarding the Office of the Lake Superior Court Clerk

Dear Mr. Nelson:

This is in response to your informal inquiry which I received August 14, 2008. You write to inquire about records you have requested from the Office of the Lake Superior Court Clerk ("Clerk") pursuant to the Access to Public Records Act ("APRA") (Ind. Code 5-14-3). You allege that you requested records from the Clerk by letter dated July 23, 2008 and have received no response from the Clerk. Pursuant to I.C. § 5-14-4-10(5), I issue the following opinion in response to your inquiry.

BACKGROUND

You allege you submitted to the Clerk on July 23 a request for access to specific court records. You allege that you have received no response from the Clerk. You write to seek assistance in obtaining the records.

The Clerk responded to your request by letter dated August 18 from Shawn Miller, Supervisor in the Felony Division. The Clerk indicates the information was sent to you before the Clerk received a letter from my office indicating you had filed an informal inquiry.

ANALYSIS

The public policy of the APRA states, "(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." I.C. § 5-14-3-1. The Clerk's office is clearly a public agency for the purposes of the APRA. I.C. § 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 the APRA. I.C. § 5-14-3-3(a).

A request for records may be oral or written. I.C. §§ 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 days of receipt, the request is deemed denied. I.C. § 5-14-3-9(b).

Here, the Clerk received your July 23 request and sent the requested records to you at some point before August 14. If the Clerk responded to your request within seven days of receipt of the request and provided you with any disclosable records responsive to the request, the Clerk met the agency's obligations under the APRA. The Clerk has provided you with the requested records. As such, the matter is closed as it relates to this office.

Please do not hesitate to contact our office if we can be of further assistance.

Best regards,



Heather Willis Neal
Public Access Counselor

Cc: Shawn Miller, Office of the Lake Superior Court Clerk