

## **ORDINANCE 2025-17**

### **AN ORDINANCE TO ENSURE COMPLIANCE WITH INDIANA'S ACCESS TO PUBLIC RECORDS LAW FOR MARTIN COUNTY GOVERNMENT**

**WHEREAS**, Indiana Code 5-14-3 *et. seq.* (Access to Public Records Act) was enacted to permit the citizens of Indiana broad and easy access to public documents in order to more fully participate in the governmental process; and

**WHEREAS**, the Martin County Board of Commissioners desires to enact a policy that will ensure compliance with the Access to Public Records Act;

**NOW, THEREFORE, BE IT ORDAINED** by the Martin County Board of Commissioners as follows:

#### **PUBLIC RECORDS POLICY**

##### **I. Purpose**

The purpose of this Policy is to provide rules by which the Martin County Board of Commissioners and its departments implement and ensure compliance with the provisions of Indiana Code 5-14-3 (Access to Public Records) for the public records of Martin County Government.

##### **II. Interpretation and Construction**

The provisions of this Policy shall be liberally interpreted and construed to promote full access to the County's public records in order to assure continuing public confidence in government: provided, that when making public records available the County shall prevent unreasonable invasions of privacy, shall protect public records from damage or disorganization, and shall prevent excessive interference with essential government functions.

##### **III. Public Records Available**

Public records shall be made available for public inspection and copying pursuant to IC 5-14-3.

##### **IV. Public Information Officer**

A. The Martin County Auditor shall serve as the Public Information Officer and serve as the point of contact for members of the public who request disclosure of public records. The Public Information Officer shall be responsible for implementation of and compliance with IC 5-14-3.

B. The Public Information Officer may utilize the Martin County Attorney or other County officers or employees to assist in responding to public information requests.

## **V. How public record requests shall be made**

A. Public records may be inspected and/or copies may be obtained under the following procedures:

1. A request for public records shall be directed to the Public Information Officer or its designee.
2. A request for public records shall be made on a specific form which shall be in writing and include the following information:
  - a. The requester's name, mailing address, phone number and email address;
  - b. The date of the request;
  - c. A clear indication that the document is a "Public Records Request";
  - d. A clear description of the public records requested for inspection and/or copying;
  - e. If the request is for a document which lists individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
  - f. Whether the request is for printed or digital copies of the public record.

B. The Public Information Officer shall develop and maintain the form to facilitate public record requests.

## **VI. Inspection of Public Records - Where and When**

Public records shall be inspected at the Office of the Martin County Auditor during regular business hours, excluding legal holidays: provided, that there is no obligation to allow inspection immediately upon a demand. The Public Information Officer may request that the person seeking to inspect public records schedule an appointment for inspection.

## **VII. Response to Public Records Requests**

- A. The Public Information Officer shall, to the extent practicable, assist requesters in identifying the public records sought.
- B. There is no obligation to allow inspection or provide a copy of a public record on demand.
- C. The Public Information Officer shall respond to a request for public information made in person within 24 business hours of the receipt of the written request form.
- D. The Public Information Officer shall respond to a request for public information received by mail, or email within seven calendar days of receipt.
- E. All responses to requests for public information shall be in writing.
- F. The Public Information Officer shall make one or more of the following responses:
  - a. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;

- b. The request has been received by the Public Information Officer, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;
- c. The request has been received by the Public Information Officer and the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying; or
- d. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record.

G. The Public Information Officer shall immediately notify the requester if, after responding to a request for public records and approving the request, the Public Information Officer identifies requested public records or information that are exempt from disclosure.

H. Additional time to respond to a request may be based upon the County's need to:

- 1. Clarify the intent of the request;
- 2. Identify, locate, assemble and/or make the records ready for inspection or disclosure;
- 3. Notify third persons or agencies affected by the request; or
- 4. Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.

I. If a requester fails to clarify the request after receiving a response from the Public Information Officers seeking clarification, the Public Information Officer need not respond further to the request.

J. When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the Public Information Officer shall promptly notify the Martin County Attorney of the request. Each page of the records provided to the requester shall be sequentially numbered or otherwise uniquely identified. Copies of the request, all correspondence between the Public Information Officer and the requester, and copies of the public records provided to the requester shall be delivered to the Martin County Attorney. The requester shall not be charged for copies delivered to the Martin County Attorney.

### **VIII. Copying Fees**

A. No fee will be charged for the inspection of a public record; for locating public records in response to a request and making the records available for inspection or copying; or for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.

B. The fee for certification of documents shall be two dollars (\$2) per document.

C. The fee for copies shall be ten cents (\$0.10) per page for non-color copies and twenty-five cents (\$0.25) per page for color copies.

D. The copying fee for any request for which the response will be oversized documents, color photographs or reproductions, tape recordings and computer disks shall be the actual expense for copying, including the cost of materials.

**IX. Copies of Policy Available to Public**

Copies of this Policy and public records request forms shall be available to and provided to the public, without cost, at the Office of the Martin County Auditor.

**ADOPTED** this 15th day of April, 2025.

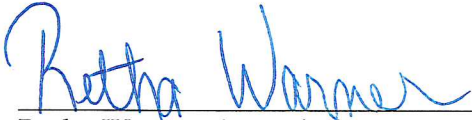
**BOARD OF COMMISSIONERS OF  
MARTIN COUNTY, INDIANA**



Paul R. George, President



Aaron C. Summers, Commissioner



Retha Warner, Commissioner

ATTEST:



Michelle Norris  
Martin County Auditor