

December 6, 2004

Larriante Sumbry
P.O. Box 41
Michigan City, Indiana 46361-0041

Re: Formal Complaint 04-FC-208; Alleged Violation of the Access to Public Records Act by the Indiana State Prison

Dear Mr. Sumbry:

This is in response to your formal complaint alleging that the Indiana State Prison (“ISP”) violated the Access to Public Records Act (“APRA”) by failing to provide you with contracts. I find that Indiana State Prison did not violate the Access to Public Records Act.

BACKGROUND

You allege that you submitted a request for documents to Dale Monroe, Policy Coordinator for the Indiana State Prison, on October 8, 2004. You allege that you did not receive “all the administrative Services Employment Contracts, Public Contracts.” You enclosed with your complaint a copy of the written response of Mr. Monroe. In it, he states that he is not sure what you mean when you request “all the Administrative Services, Employment contracts, public contracts.” He also invites you to be more specific in your request in order to allow him to assist you. Your formal complaint to this office followed. In response to your complaint, Mr. Monroe submitted a letter, a copy of which is enclosed for your reference. In it, he states that he works in Administrative Services, but still was unsure what contracts you were referring to. He also stated that you had not responded to his request for more specificity.

ANALYSIS

Any person may inspect and copy the public records of a public agency during the agency’s regular business hours. IC 5-14-3-3(a). A person requesting to inspect and copy records must identify with reasonable particularity the records being requested. IC 5-14-3-3(a)(1). Although the APRA does not define what is meant by “reasonable particularity,” this office has issued many opinions finding that certain records requests were not reasonably

particular. In essence, a request for records is not reasonably particular if the agency would not be able to ascertain from your request what records were being requested. In this situation, your request for contracts is limited by the adjectives “administrative services,” “employment,” and “public” but seems to not include all contracts that the ISP maintains. The Policy Coordinator for the ISP has stated that he is not sure which contracts you are requesting. He then issued you a letter the same date of your request, advising you that he would make contracts available to you if you would be more specific in your request.

An agency that believes that a request for records is not stated with reasonable particularity must not deny the record without informing the person requesting the records that the agency cannot fulfill a request because it does not understand what is being requested. The agency must then invite the requester to be more specific in describing the requested documents. Mr. Monroe complied with the Access to Public Records Act when he invited you to be more specific. If you still want to see certain contracts, I advise you to contact Mr. Monroe and narrow your request so that he can better ascertain what documents you are seeking.

CONCLUSION

For the foregoing reasons, I find that the Indiana State Prison has not violated the Access to Public Records Act when it asked you to be more specific in your request for records.

Sincerely,

Karen Davis
Public Access Counselor

cc: Mr. Dale Monroe