

November 22, 2006

William G. Turpin  
#931181  
Putnamville Correctional Facility  
1946 West U.S. Highway 40  
Greencastle, IN 46135

*Re: Formal Complaint 06-FC-184; Alleged Violation of the Access to Public Records Act by the Putnamville Correctional Facility*

Dear Mr. Turpin:

This is in response to your formal complaint alleging that the Putnamville Correctional Facility ("Facility") violated the Access to Public Records Act by failing to respond to your requests for information. I find that the Facility was required to respond to your requests within seven days, and produce records within a reasonable time.

#### BACKGROUND

Your October 10 request to the Facility for records pertaining to the annual income and expenditures of the recreation fund during Superintendent Al Parke's tenure with the Department of Correction was ignored, you allege. In Superintendent Parke's written response to your complaint, he states that the records you sought cover a period from July 1999 to the present, which was the period during which he has been Superintendent.

On October 25, you received copies of the requested information for the years 2005 and 2006, a total of thirty-three pages. The Facility advised you that you would receive the remaining information by November 24, 2006. Some of the earlier information is archived and would have to be retrieved from storage. The Facility is working diligently to provide the records. I have enclosed a copy of Superintendent Parke's letter for your reference.

## ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act (“APRA”). Ind. Code 5-14-3-3(a). If a public agency receives a request for a record in person or by telephone, the public agency is required to respond within 24 hours or the record is deemed denied. IC 5-14-3-9(a). If the public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b).

There are no timeframes set out in the ARPA for when records must be produced. This Office has stated that records should be produced within a reasonable period of time, under the particular circumstances. The number of records that must be produced and whether the records are stored off-site are relevant considerations. I have also stated that when a number of documents are to be produced, the public agency should make interim productions of the records rather than holding all the records until they can be produced at once. In addition, a public agency should keep the requester informed at reasonable intervals of the progress of the compilation of records by the public agency.

The Facility should have issued a response to your October 10 request within seven days of receiving it. The information I have does not show whether or not the Facility issued a preliminary response acknowledging receipt of your request and stating when and how the Facility intended to comply, which is the minimum response that is required within seven days. If the Facility did not respond timely, it violated the Access to Public Records Act.

The Facility did send you 33 pages of documents on October 25. This was within two weeks of receiving your request. In my opinion, this was a reasonable time within which to produce this material to you. In addition, the Facility informed you when it would be able to produce the remainder of the records. The Facility has not violated the Access to Public Records Act with respect to the production of the records.

## CONCLUSION

For the foregoing reasons, I find that if the Putnamville Correctional Facility did not timely respond to your request for records, the Facility violated the Access to Public Records Act, but otherwise complied with the law.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Al. C. Parke