

June 14, 2006

Stephanie Cain
10044 E. 1000 N.
Colfax, IN 46035

*Re: Formal Complaint #06-FC-85; Alleged Violation of the Access to
Public Records Act by the Frankfort Public Library*

Dear Ms. Cain:

This is in response to your formal complaint alleging that the Frankfort Public Library (“Library”) violated the Access to Public Records Act (“APRA”) by denying you a copy of your own personnel file. I find that the Library violated the Access to Public Records Act.

BACKGROUND

You filed your formal complaint against the Frankfort Public Library on May 17, 2006. In your complaint, you allege that the Library denied you the right to your own personnel file. You alleged that the Library Director, Bill Caddell, told you that state law does not require the library to share that information.

I sent a copy of your complaint to the Library. Director Claude W. Caddell responded in writing, a copy of which is attached for your reference. Mr. Caddell initially denied you your personnel file on advice of counsel, who retracted the advice upon his review of IC 5-14-3-4. Mr. Caddell advised me that a copy of the contents of your personnel file will be mailed to your home address by May 25, 2006.

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). Under IC 5-14-3-4(b)(8), the personnel file of a public employee may be exempted from disclosure, except for certain specified information. However, all personnel file information shall be made available to the affected employee or his representative. IC 5-14-3-4(b)(8).

Therefore, it was a denial of your rights under the Access to Public Records Act for the Director of the Library to initially deny your personnel file. However, it appears that the Library has now made the file available to you in accordance with the Access to Public Records Act.

CONCLUSION

For the foregoing reasons, I find that the Frankfort Public Library violated the Access to Public Records Act by denying you your own personnel file, but has indicated that it would comply.

Sincerely,

Karen Davis
Public Access Counselor

Cc: Claude W. Caddell