



STATE OF INDIANA

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July 14, 2010

Mr. John T. Reid
5751 W. Division Rd.
Tipton, IN 46072

Re: Formal Complaint 10-FC-145; Alleged Violation of the Access to Public Records Act by the Tipton County Extension Education Center

Dear Mr. Reid:

This advisory opinion is in response to your formal complaint alleging the Tipton County Extension Education Center (the "Center") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* The Center's response to your complaint is enclosed.

BACKGROUND

In your complaint, you allege that the Center received your request for public records on May 19, 2010, but failed to respond to it within seven (7) days. Purdue University Public Records Administrator Cheryl Westlund responded to your complaint on behalf of the Center. Ms. Westlund denies that the Center violated the APRA and states that she responded to your request on May 25, 2010. Ms. Westlund enclosed a copy of her letter to you in her response.

ANALYSIS

The public policy of the APRA states that "(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 Center does not dispute that it is 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 Center's public records during regular business hours unless the records are excepted from disclosure as confidential or 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 (7) days of receipt, the request is deemed denied. I.C. §5-14-3-9(b). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. Here, if Ms. Westlund mailed her response to your May 19th written request on May 25th, she responded within the required seven (7) days in accordance with the APRA.

CONCLUSION

For the foregoing reasons, it is my opinion that the Center did not violate the APRA.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive, slightly slanted style.

Andrew J. Kossack
Public Access Counselor

Cc: Cheryl Westlund