



STATE OF INDIANA

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October 7, 2010

Mr. Graylon Bell, DOC # 900981
Pendleton Correctional Facility
4490 W. Reformatory Rd.
Pendleton, IN 46064-9901

Re: Formal Complaint 10-FC-204; Alleged Violation of the Access to Public Records Act by the Vigo County Sheriff's Department

Dear Mr. Lockhart:

This advisory opinion is in response to your formal complaint alleging the Vigo County Sheriff's Department (the "Sheriff") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.*, by denying you access to public records. A copy of the Sheriff's response to your complaint is enclosed.

BACKGROUND

In your complaint, you allege that you requested the names of every doctor, medical assistant, and nurse who worked in the Vigo County Jail (the "Jail") from 2009 to 2010. You also requested the names of each officer who worked in the Jail on the 12:00 a.m. to 8:00 a.m. shift during 2010. You claim that the Sheriff denied your request.

Attorney Michael Wright responded to your request on behalf of the Sheriff. Mr. Wright states that upon receipt of your written request, the Sheriff asked you to provide clarification regarding your request to ensure that you received what you wanted. Upon receiving clarification from you, the Sheriff compiled the information and forwarded it to you. Mr. Wright notes that the APRA only requires governmental entities to make records available for inspection during regular business hours. Because you do not have the ability to physically appear at the Sheriff's office, the Sheriff forwarded copies of the requested records to you.

ANALYSIS

The public policy of the APRA states, "[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 Sheriff does not contest that it is a “public agency” under the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the Sheriff’s public records during regular business hours unless the public records are excepted from disclosure as nondisclosable under the APRA. I.C. § 5-14-3-3(a).

Under the ARRA, a request for inspection or copying must identify with reasonable particularity the record being requested. I.C. § 5-14-3-3(a). Thus, it was reasonable for the Sheriff to ask you to provide additional information regarding what specific records you requested. Further, although the APRA does not obligate a public agency to copy and deliver public records to a requester at the agency’s expense, the Sheriff sent responsive records to you on its own initiative. I trust the Sheriff’s response satisfies your complaint.

CONCLUSION

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

Best regards,



Andrew J. Kossack
Public Access Counselor

Cc: Michael J. Wright