



STATE OF INDIANA

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March 25, 2010

Mr. Bobby J. Steward
1900 Mackey Ferry Road
Mt. Vernon, IN 47620

*Re: Formal Complaint 10-FC-50; Alleged Violation of the Access to
Public Records Act by the Indiana Civil Rights Commission*

Dear Mr. Steward:

This advisory opinion is in response to your formal complaint alleging the Indiana Civil Rights Commission (the "ICRC") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* I have enclosed the response from Mr. Michael C. Healy, staff attorney for the ICRC.

BACKGROUND

According to your complaint, you requested access to records regarding a complaint that you made with the ICRC. You further allege that the ICRC "refuses to release copies" of those records.

In response to your complaint, Mr. Healy states that the ICRC received your request on February 16, 2010. The request was dated February 11, 2010. On February 19th, Mr. Healy responded to your request via letter in which he informed you of the cost for copies of responsive records. After the ICRC received your payment for such records on February 25th, the ICRC mailed you your requested records the next day. The ICRC maintains that its response to your request was appropriate.

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 ICRC is a "public agency" under the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the ICRC'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).

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, the ICRC responded to your written request within the required seven (7) days in accordance with the APRA. Further, it is my understanding that you have now received all requested records. I trust this resolves your complaint.

In the future, I encourage you to allow public agencies a sufficient amount of time to respond to a records request before you file a complaint with this office.

CONCLUSION

For the foregoing reasons, it is my opinion that the ICRC 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 style with a large, sweeping initial "A".

Andrew J. Kossack
Public Access Counselor

Cc: Michael C. Healy