



# STATE OF INDIANA

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April 25, 2013

Ms. Samuel Shaw  
627 H Street  
Bedford, Indiana 47421

*Re: Formal Complaint 13-FC-124; Alleged Violation of the Access to Public Records Act by the Bedford Public Library*

Dear Mr. Shaw:

This advisory opinion is in response to your formal complaint alleging the Bedford Public Library ("Library") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* Susan A. Miller, Director, responded in writing to your formal complaint. Her response is enclosed for your reference.

## BACKGROUND

In your formal complaint you allege that on March 27, 2013 you submitted a written inquiry to the Library asking how you are to receive assistance in filling out an application for federal student aid. You further allege that the Library failed to respond in writing within seven (7) days of the receipt of your request.

In response to your formal complaint, Ms. Miller advised that your letter was addressed to Ms. Amy Lauer, who is working for the library on a part-time contract. Mr. Lauer is not a regular employee of the Library. Your request did not ask for a public record; rather you sought assistance in filing out an application for federal student aid. Ms. Miller further noted that you are unable to receive assistance from the Library in filing out the application due to a No Trespass Order that prevents you from entering the Library or being on Library property.

## 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." *See* I.C. § 5-14-3-1. The Library is a public agency for the purposes of the APRA. *See* I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the Library's public records during regular business hours unless the records are excepted from

disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

The APRA deals with request for records; an agency is not required under the APRA to answer questions or perform other acts beyond providing records in response to a request. I would agree with Ms. Miller that your request was not for a record maintained by the Library; rather you sought assistance in filling out an application for federal student assistance or in the alternative, submitted an inquiry as to how you were to receive assistance in filing out said application in light of the No Trespass Order that is in place. As such, it is my opinion that the Library did not violate the APRA by failing to answer your questions or provide other services that did not involve the production of records maintained by the agency.

#### CONCLUSION

Based on the foregoing reasons, it is my opinion that the Library did not violate the APRA.

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joseph B. Hoage  
Public Access Counselor

cc: Susan Miller