



STATE OF INDIANA

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July 15, 2013

Mr. Timothy Manges
DOC 113516
4490 W. Reformatory Road
Pendleton, Indiana 46064

Re: Formal Complaint 13-FC-186; Alleged Violation of the Access to Public Records Act by the Indiana Department of Corrections

Dear Mr. Manges:

This advisory opinion is in response to your formal complaint alleging the Indiana Department of Corrections ("Department") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* David Barr responded in writing to your formal complaint on behalf of the Department. His response is enclosed for your reference.

BACKGROUND

In your formal complaint you allege that you submitted a request for records to the Department for any emails from a Department employee related to the suspension of your diet card. In response, the Department provided one email; you believe the Department maintains further records responsive to your request. When you informed the Department of your belief that there were additional records, Mr. Barr advised that you did not maintain the necessary funds in your trust account to pay for any additional records.

In response to your formal complaint, Mr. Barr advised that at the time of your request you did not maintain the necessary funds in your trust account to pay for all records that had been requested. As such, only two pages were provided. Upon the receipt of your formal complaint, Mr. Barr again inquired regarding the balance of your trust account. You now maintain the necessary funds in your trust account. Upon receipt of a request for records, the Department will provide all records responsive to your request.

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 Department 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 Department’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).

For state agencies, the uniform fee for the copying of one page of a standard-sized document is \$.10 per page. *See* I.C. § 5-14-3-8(c). A public agency may require that payment for copying costs be made in advance. *See* I.C. § 5-14-3-8(e)(2). As applicable here, at the time of your request you did not maintain the necessary funds in your trust account to pay for all records that were responsive to your request. It is my opinion that the Department did not violate the APRA by failing to provide you with records without first receiving the respective fees. As Mr. Barr has indicated that you now maintain the necessary funds in your trust account, I encourage you to file a second request for records, at which point upon the receipt of the respective fees, the Department will make said records available.

CONCLUSION

It is my opinion that the Department did not violate the APRA in response to your request.

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage". The signature is written in a cursive, somewhat stylized font.

Joseph B. Hoage
Public Access Counselor

cc: David Barr