



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

July 22, 2014

Michael Hunt #961894  
Correctional Industrial Facility  
P.O. Box 600  
5124 West Reformatory Road  
Pendleton, IN 46064

*Re: Formal Complaint 14-FC-133; Alleged Violation of the Access to Public Records Act by the Correctional Industrial Facility*

Dear Mr. Hunt,

This advisory opinion is in response to your formal complaint alleging the Correctional Industrial Facility ("Facility") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Facility has responded via Classification Supervisor, Kimberly Stafford. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on June 24, 2014.

## BACKGROUND

Your complaint dated June 15, 2014, alleges Correctional Industrial Facility violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On June 5 and June 6, 2014, you requested certain records from the Facility. You did not receive an acknowledgement of your request or the requested records.

In response to your complaint, the Facility alleges you did, in fact, receive an acknowledgement. However, the Facility does state that, pursuant to Facility policy, there are avenues available by which you may access those requested documents. Specifically, the Facility states the proper means for acquiring the requested forms is through the Unit Team Correctional Caseworker, and the facility policy is available through the law library.

## **DISCUSSION**

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 Ind. Code § 5-14-3-1. The Correctional Industrial Facility is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Facility’s public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

For the safety and security of its inmates and staff, Indiana Department of Correction facilities may establish protocols and procedures for the production of prison documents. It does not appear these policies have prejudiced your access to records. It seems as if you would be well-served by taking advantage of the opportunities for access afforded to you by the facility internal channels.

## **CONCLUSION**

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Correctional Industrial Facility has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long horizontal flourish extending to the left.

Luke H. Britt  
Public Access Counselor

Cc: Kimberly Stafford