



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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September 22, 2014

Mr. Steven R. Hofer  
3750 Guion Rd - #190  
Indianapolis, IN 46222

*Re: Formal Complaint 14-FC-187; Alleged Violation of the Access to Public Records Act in care of the Honorable Danny Vaughn, Judge, Wayne Township Small Claims Court*

Dear Mr. Hofer,

This advisory opinion is in response to your formal complaint alleging the Wayne Township Small Claims Court ("Court"), in care of the Honorable Danny Vaughn, Judge, violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Court has responded to your complaint via the Honorable Danny Vaughn, Judge. His response is enclosed for your review. 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 September 24, 2014.

## **BACKGROUND**

Your complaint dated August 21, 2014, alleges the Court violated the Access to Public Records Act (IC 5-14-3) by improperly denying you access to court files.

On August 4, 2014, you submitted a public records request, in person, to the Court seeking to inspect the files of approximately twenty (20) cases that were recently filed with the court. At the time of your request, the court staff did not provide you with the case files you requested.

On September 3, 2014, the Court responded to your formal complaint explaining they received your request on August 4, 2013. The Court claims your complaint is without merit because you were not denied access to the court files. The Court contends the files would need to be pulled and reviewed for non-public information prior to public inspection. In its response the Court claims you were informed of this process and the files would be available the following day for your inspection.

## ANALYSIS

The public policy of the APRA states that “a (p) roviding person 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 Wayne Township Small Claims Court is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1).

Any person has the right to inspect and copy the Court’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). This does not grant the public the right to *immediate* access. It appears the Court requested you to come back the next day to inspect the records after they had been vetted for confidential information. This is very reasonable under the circumstances – especially since court records could contain any amount of confidential information. The Court has offered access during the next available business hours. This is certainly a reasonable amount of time under Ind. Code § 5-14- 3-3.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the Wayne Township Small Claims Court has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. Britt', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor

Cc: Hon. Judge Danny Vaughn