



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

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December 17, 2014

Mr. Jacob Roberts  
2413 N. Meridian St.  
Indianapolis, IN 46208

*Re: Formal Complaint 14-FC-286; Alleged Violation of the Access to Public Records Act by the Indiana State Police*

Dear Mr. Roberts,

This advisory opinion is in response to your formal complaint alleging the Indiana State Police ("ISP") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The ISP has responded via Sgt. Brad Hoffeditz, Esq. 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 November 24, 2014.

## BACKGROUND

Your complaint alleges the Indiana State Police violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3.

On or about November 21, 2014, you attempted to make a public records request to the Indiana State Police Public Information Office for inspection of accident reports. You were directed to the website of the vendor ISP utilizes for maintaining the reports. You take exception with this process and consider it a violation of the APRA.

ISP responds it has complied with the APRA explaining ISP uses a third-party contractor to maintain the Indiana Crash Report Database. This vendor, Appriss, is the repository for this data and all requests go through the Appriss. ISP does not maintain the crash reports electronically or in paper form. They are regularly transmitted to Appriss for storage. Upon request, Appriss releases the information through an online portal for a fee. ISP argues this arrangement is appropriate as the statute for inspection and copying accident reports is not the APRA, but is found at Ind. Code 9-29-11-1(c).

## 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 Indiana State Police 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 ISP’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).

Accident reports are partially exempt from the APRA based upon Ind. Code 9-29-11-1(c). While the reports are public records subject to disclosure, the infrastructure for maintaining the records is unique to ISP and their third-party vendor. It is irrelevant that records are not housed within ISP’s files, as long as they are available to the public in some manner. The forum through which they are available is the Appriss [www.buycrash.com](http://www.buycrash.com) portal.

As for the monetary charge, Ind. Code § 5-14-3-8(f) holds if another state statute sets a fee, that particular statute would override the APRA. Ind. Code 9-29-11-1(c) sets a fee for no less than \$5.00 for inspection and copying of the record. ISP has set the charge for \$12.00 which is appropriate under the statute. In order to access accident reports, you must avail yourself of the online portal and pay the authorized fee.

## CONCLUSION

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Indiana State Police did not violate 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: Sgt. Brad Hoffeditz, Esq.