



# 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)

April 22, 2014

Mr. Samuel L. Shaw  
627 H. St.  
Bedford, IN 47421

*Re: Formal Complaint 14-FC-64; 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.* The Library has provided a response to your complaint via Susan Miller, Library Director. Her response is attached 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 March 27, 2014.

## BACKGROUND

Your complaint dated March 26, 2014 alleges the Bedford Public Library violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(a).

In a letter dated February 27, 2014 you submitted a request to the Library to "observe and record the public records of Indiana Law Codes and Bedford City Directory on file within said Library". At the time of the filing of your complaint, you had not received an acknowledgement by the Library of your request. You also indicate you have a trespass notification on file with the City of Bedford Police Department prohibiting you from being on Library grounds at the risk of arrest.

The Library responded to your formal complaint indicating you have made similar requests in the past and they have responded to your requests stating the records you seek are not in the custody of the Library and you have other means of obtaining the information you seek.

## 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 Ind. Code § 5-14-3-1. The Bedford Public Library 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 Library’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).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

Although libraries contain a wealth of information, a public library is not the sole repository for municipal, county or State public records. While they may have copies of statutes, ordinances and other documents, they are likely not the exclusive custodians of the records you seek. Complicating the matter is the fact the City of Bedford Police Department has issued a criminal trespass notification on file placing you at risk of arrest if you are on Library grounds. It stands to reason the Library would be jeopardizing your criminal liability by permitting you on the premises.

The Library indicates you have made similar requests in the past and denials have been issued accordingly. As I have recently stated in *Opinion 14-FC-57*, a public agency does not have an affirmative responsibility to acknowledge repeat or redundant requests for the same information by the same individual. They only have the responsibility to respond to distinct requests. The records you seek are available elsewhere and your right to access has not been prejudiced by the Library.

## CONCLUSION

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the Bedford Public Library has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to be 'LHB', with a long, sweeping underline that extends to the left.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Susan Miller