



STATE OF INDIANA

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June 27, 2016

Mr. Robert Bogue
7846 North 1200th Street
Paris, Illinois 61944

Re: Formal Complaint 16-FC-121; Alleged Violation of the Access to Public Records Act by the Vigo County Emergency Management Agency

Dear Mr. Bogue:

This advisory opinion is in response to your formal complaint alleging the Vigo County Emergency Management Agency (“Agency”) violated the Access to Public Records Act (“APRA”), Indiana Code § 5-14-3-1 et. seq. As of the writing of this opinion, the Agency has not responded despite an invitation by this office to do so. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on May 31, 2016.

BACKGROUND

Your complaint dated May 31, 2016 alleges the Vigo County Emergency Management Agency violated the Access to Public Records Act by failing to respond to your records request.

On May 19, 2016, you requested economic interest or conflict of interest disclosures related to a named individual. As of the filing of your complaint, you had not received a response.

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

A request for records may be oral or written. See *Indiana Code § 5-14-3-3(a); § 5-14-3-9(c)*. 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 *Indiana 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.

A public agency shall cooperate with the Public Access Counselor in any investigation or proceeding. See *Indiana Code § 5-14-5-5*. This has not happened. Therefore, I cannot determine why the Agency did not respond to your request or if there was any statutory justification for its actions.

CONCLUSION

Based on the forgoing, it is the Opinion of the Public Access Counselor the Vigo County Emergency Management Agency violated the Access to Public Records Act.

Regards,

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

Luke H. Britt
Public Access Counselor