



# STATE OF INDIANA

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August 24, 2016

Mr. William Murray  
709 Main Street  
Brookville, Indiana 47012

*Re: Formal Complaint 16-FC-169; Alleged Violation of the Access to Public Records Act by the Town of Brookville Town Council*

Dear Mr. Murray:

This advisory opinion is in response to your formal complaint alleging the Town of Brookville Town Council ("Council") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Council has responded via Ms. Tammy Davis, Esq. Her response is enclosed for your review. 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 July 19, 2016.

## BACKGROUND

Your complaint dated July 16, 2016, alleges the Town of Brookville Town Council violated the Access to Public Records Act by failing to provide all records requested. On July 12, 2016 you submitted a records request to three (3) council members. You were seeking oaths of service and any records relating to justification allowing the members to sign as both Councilmen and Trustees. You received a response on July 14, 2016 providing you with half the records requested.

On July 20, 2016 the Council responded. The Council notes you received the oaths of service requested. The Council contends the oaths of service allow the members to sign as both Trustees and Councilmen.

## 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 Town of Brookville Town Council 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 Council'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)*.

The issue here is perhaps a simple communication. The Council has timely provided the records requested. However, Council failed to state the oaths of service serve to fulfill multiple parts of your request. In the future, I suggest the Council clearly state if a single record is met to fulfill multiple parts of the request. It is my sincere hope the Council's response clarifies any misunderstanding.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline that extends to the left and then curves back under the signature.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Tammy Davis, Esq.