



STATE OF INDIANA

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September 9, 2016

Mr. Darrell E. Baylor
C/o Rangeline Community Center
1405 Rangeline Road
Anderson, Indiana 46012

Re: Formal Complaint 16-FC-184; Alleged Violation of the Access to Public Records Act by the City of Anderson Utility Office

Dear Mr. Baylor:

This advisory opinion is in response to your formal complaint alleging City of Anderson Utility Office ("City") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The City has not responded to your complaint, despite an invitation by this office to do so on August 4, 2016. 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 29, 2016.

BACKGROUND

Your complaint dated July 11, 2016, alleges the City of Anderson Utility Office violated the Access to Public Records Act by failing to respond to provide the records you requested. Based on your complaint, you submitted a request for several documents on various dates. It appears as if you have not received some or all of the documents 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 Indiana Code § 5-14-3-1*. The City of Anderson Utility Office 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 City'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.

As a general rule, information pertaining to municipally owned utilities is disclosable except for telephone numbers, addresses and social security numbers of customers, as well as some technical information such as maps, drawings and blueprints. *See Indiana Code §§ 5-14-3-4(b)(11); (b)(19)(k) & (b)(20)*. The City has not responded to your complaint. Without a response from the City, I cannot determine whether its actions were proper or if a statutory justification exists for its failure to respond.

CONCLUSION

Based on the forgoing, it is the opinion of the Public Access Counselor the City of Anderson Utility Office violated the Access to Public Records Act.

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