



# 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)234-0906  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

November 17, 2016

Mr. Kryzstof Rudzinski  
304 S. Jones Blvd Suite 174  
Las Vegas, Nevada 89107

*Re: Formal Complaint 16-FC-266; Alleged Violation of the Access to Public Records Act by the Michigan City Area School Corporation*

Dear Mr. Rudzinski:

This advisory opinion is in response to your formal complaint alleging the Michigan City Area School Corporation ("School") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The School responded via Mr. Nicholas Otis, Esq., Attorney for the School. His response is attached 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 October 6, 2016.

## **BACKGROUND**

Your complaint alleges the School has violated the APRA by not providing records within a reasonable amount of time.

Between March 2016 and the present, you have submitted no less than eleven (11) separate public access requests with the School. After the filing of the present complaint, your requests have continued. You have sent multiple records requests dated March 2, 2016 (amended May 6, 2016), July 13, 2016, July 27, 2016, July 29, 2016, August 11, 2016, August 23, 2016, October 3, 2016 and October 10, 2016, all of which have been responded to in a timely manner.

You allege the School is intentionally withholding information pursuant to Indiana Code § 5-14-3 et. seq., yet you have not identified a particular records request which you deem insufficient. The School has made it clear they will continue to respond and review your records requests in a reasonable time.

The School also notes many of the requests for email records include various employees and administration of the School, which includes personal identifiable student information, which must be redacted or withheld pursuant to federal law.

## 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 Michigan Area Schools Corporation 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 School’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.

From the information provided, Michigan City Schools have complied with the APRA to the fullest extent and your records requests have been responded to in a reasonable time. To date, it continues to send you the records you requested. By its count, it has sent you 782 pages of documentation and has released them in a piecemeal manner as they become available. It does not appear as if anything has been withheld. If you take exception to the production of a specific request, you do not articulate it in your formal complaint or identify any wrong application of an exemption to disclosure.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Michigan City Area Schools has not violated the Access to Public Records Act.

Please do not hesitate to contact me with any further questions.

Regards,



Luke H. Britt  
Public Access Counselor

Cc: Mr. Nicholas T. Otis