



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

March 14, 2016

Mr. Charles J. Davis Sr. - #930610
Wabash Valley Correctional Facility
P.O. Box 1111
Carlisle, Indiana 47838

Re: Formal Complaint 16-FC-27; Alleged Violation of the Access to Public Records Act by the Bartholomew County Auditor

Dear Mr. Davis:

This advisory opinion is in response to your formal complaint alleging the Bartholomew County Auditor; Ms. Barbara Hackman ("Auditor") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 et. seq. The Auditor responded via Ms. Hackman. Her response is enclosed 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 February 10, 2016.

BACKGROUND

Your complaint dated January 31, 2016 alleges the Bartholomew County Auditor violated the Access to Public Records Act by failing to acknowledge your records request.

On January 7, 2016 you requested copies of checks paid to jurors paid in relation to a specific cause number. As of the filing of your complaint, you had not received a response.

On February 10, 2016 the Auditor responded. The Auditor notes it receive your request and sent you a postmarked response on January 15, 2016 mailed to the address you provided. The Auditor's response was returned as *Not Deliverable As Addressed*. The issue appears to have been the Auditor inadvertently left your Indiana Department of Correction (DOC) identifier number off the response to you.

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 Bartholomew County Auditor 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 Auditor's disclosable 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).

The Auditor has stated it attempted to respond to your request. However, due to an error on its part, your DOC number was not included on the response. This appears to be an error made in good faith because the auditor may not have known the DOC number was required for the mail to be accepted at all DOC facilities. The Auditor has been informed of this fact and has stated your documentation is forthcoming.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Bartholomew County Auditor did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a large, sweeping flourish extending from the bottom left.

Luke H. Britt
Public Access Counselor

Cc: Ms. Barbara Hackman