



STATE OF INDIANA

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June 9, 2016

Mr. Devin Zimmerman
2135 South Sycamore Boulevard
Peru, Indiana 46976

Re: Formal Complaint 16-FC-96; Alleged Violation of the Access to Public Records Act by the Miami Correctional Facility

Dear Mr. Zimmerman:

This advisory opinion is in response to your formal complaint alleging Miami Correctional Facility ("Facility") and Ms. Angie Heishman, Administrative Assistant violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 et. seq. The Facility has responded via Ms. Heishman. 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 May 3, 2016.

BACKGROUND

Your complaint dated May 3, 2016 alleges the Miami Correctional Facility violated the Access to Public Records Act by improperly denying your records request.

On April 25, you submitted a records request to the facility seeking copies of monetary transactions conducted by a former prisoner at the Facility. Your request was denied on April 28, citing Indiana law and Department of Corrections' policy.

On May 11, the Facility responded. The Facility notes that under Indiana Administrative Code 210 IAC 1-6-2(2)(D) the records are considered institutional summaries and therefore are restricted.

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 Miami Correctional Facility 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 Facility'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 Facility cites Indiana Administrative Code 210 IAC 1-6-2(2)(D). This provision declares institutional summaries to be restricted information. "Institutional summaries" are not defined by the Code section. Nor am I aware of any other statutory definition. Similarly, IDOC policy declares "facility summaries" as restricted, but does not define them. See http://www.in.gov/idoc/files/01-04-104_AP_Offender_Records_7-1-09.pdf at [subsection VI.2.j](#). The facility maintains that disclosure of restricted information requires a court order or offender consent.

The Facility has not stated why it considers a summary of monetary transactions to be an institutional or facility summary. The summary of monetary transactions is not confidential financial information nor has the facility alleged that the disclosure of the receipts would result in a reasonable risk to prison security or inmate safety.

Further, it is doubtful that the Facility may deem information restricted or confidential solely based on internal policy. Facility policy is a collection of rules and guidelines to ensure the facility operates smoothly. Policy can provide the Facility guidance for how to deal with records requests that fall within facility discretion, but the facility has not cited the existence of such discretion.

RECOMMENDATION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the Miami Correctional Facility should release the documents you seek.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a stylized flourish at the end.

Luke H. Britt
Public Access Counselor

Cc: Ms. Angie Heishman