





# STATE OF INDIANA

ERIC J. HOLCOMB, 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  
Toll Free: 1-800-228-6013  
Email: pac@in.gov/opac  
Website: www.IN.gov/pac

*responsive to request but are being withheld at the discretion of the agency pursuant to Ind. Code 5-14-3-4(b)(8).*

## 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 Marion County Prosecutor's Office is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n).* Accordingly, any person has the right to inspect and copy the MCPO'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).*

Indiana Code § 5-14-3-4(b)(8) states that personnel files of public employees may be withheld from public inspection except for information relating to the status of any formal charges against the employee; and the factual basis for a disciplinary action which final action has been taken and that resulted in the employee being suspended, demoted or discharged.

Based on the information provided, there is no indication the employee was involuntarily separated from employment. If this is the case, the agency does not have to produce any documentation as to why the employee is no longer at the Prosecutor's Office.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Marion County Prosecutor's Office did not violate the Access to Public Records Act.

Luke H. Britt

A handwritten signature in black ink, appearing to read "L. H. Britt", written over a white background.

Public Access Counselor

Cc: Ms. Jennifer Morris