

---

**OPINION OF THE PUBLIC ACCESS COUNSELOR**

---

CLIFFORD W. SHEPARD,  
*Complainant,*

v.

CITY OF INDIANAPOLIS.,  
*Respondent.*

---

Formal Complaint No.  
17-FC-216

---

Luke H. Britt  
Public Access Counselor

---

BRITT, opinion of the Counselor:

This advisory opinion is in response to the formal complaint alleging the City of Indianapolis (“City”) violated the Access to Public Records Act<sup>1</sup> (“APRA”). The City has responded via Community Outreach Coordinator Imelda Oglesby. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on September 1, 2017.

---

<sup>1</sup> Ind. Code §§ 5-14-3-1 to -10

## **BACKGROUND**

Clifford W. Shepard (“Complainant”) filed a formal complaint alleging that the City violated the Access to Public Records Act by failing to produce documents within the statutory timeframe.

On or about July 27, 2017, the Complainant submitted a public records request seeking information related to a parking ticket hearing. The City acknowledged his request on July 31, 2017. As of the date of the filing of his Complaint, no records had been received. Complainant also takes exception to the City’s assertion that he would be charged to inspect the records.

The City argues that all records responsive to his request have been fulfilled save for the third portion of his request which was not a records request at all. It claims the delay was due to a personnel absence and the inherent fact that the vendor used to process the records associated with parking fines is an outsourced third-party and the City does not have direct access to the documents. In any case, the parts of the request which were able to be fulfilled have been satisfied.

## **ANALYSIS**

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.” Ind. Code § 5-14-3-1. The City of Indianapolis is a public agency for the purposes of the APRA. Ind. Code § 5-14-3-2(n). Therefore, 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. Ind. Code § 5-14-3-3(a). A public agency is required to make a response to a request that has been mailed within seven (7) days after it is received. Ind. Code § 5-14-3-9.

As a preliminary matter, it should be noted that this Office does not consider third-party custodians of records to be justification for a delay in producing records. Outsourcing should be a way to increase government efficiency and customer service, not the other way around. It stands to reason a company called ParkIndy, LLC, who is the exclusive vendor of the City for parking services, should have a pretty good handle on how to quickly provide information to its client.

As for the requests themselves, they appear to have been fulfilled. A quick review of the requests leads to the conclusion that they were appropriate save for the third portion which is simply an interrogatory directed to City personnel. A delay due to a vendor liaison absence is justifiable but the City should be mindful of the importance of exercising appropriate control and dominion over its records. This also highlights the importance of communication to a requester informing them of periodic status updates and progress of a request.

## CONCLUSION

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

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

Luke H. Britt  
Public Access Counselor