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**OPINION OF THE PUBLIC ACCESS COUNSELOR**

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JAY F. VERMILLION,  
*Complainant,*

v.

INDIANA DEPARTMENT OF CORRECTION,  
*Respondent.*

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Formal Complaint No.  
17-FC-230

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Luke H. Britt  
Public Access Counselor

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BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the Indiana Department of Correction (“DOC”) violated the Access to Public Records Act<sup>1</sup> (“APRA”). DOC responded to the complaint through Staff Attorney Robert Allega. 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 18, 2017.

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

## **BACKGROUND**

Jay F. Vermillion (“Complainant”) filed a formal complaint alleging the Indiana Department of Correction violated the Access to Public Records Act by failing to provide responsive records within a reasonable time.

On August 14, 2017, the Complainant submitted a public records request to DOC seeking the following:

A copy of the written description of the responsibilities and the required qualifications of a person who is seeking to be employed as the IDOC Director of Medical and Clinical Health Care Services, and the co-related position of Quality Assurance Manager

As of the date of the filing his request, the Complainant had not received the documentation.<sup>2</sup>

The DOC responded to the complaint on October 2, 2017 and stated the job-descriptions requested were forwarded to the Complainant.

## **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 Indiana Department of Correction is a public agency for the purposes of the APRA, and subject to its requirements. Ind. Code § 5-14-3-2(n). Therefore, any

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<sup>2</sup> Complainant requested priority status as to his complaint, however, this office did not receive the complaint until three days prior to his alleged District Court date, rendering the priority request moot.

person has the right to inspect and copy DOC'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). Any request for inspection or copying must identify with *reasonable particularity* the record being requested, and be, at the discretion of the agency, in writing on or in a form provided by the agency. Ind. Code §§ 5-14-3-3(a)(1), -(2).

It appears as if the documentation was forwarded by the agency on October 2 and October 16 upon receipt of the formal complaint. An argument was not presented as to what, if any, circumstances contributed to the delay. Because the request was satisfied, this Opinion will not address that issue.

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor