

STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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OPINION OF THE PUBLIC ACCESS COUNSELOR

THAD HUNTER,)	
Complainant)	
v.) 17-FC-27	
PERRY TOWNSHIP SCHOOLS Respondent))	

ADVISORY OPINION March 20, 2017

This advisory opinion is in response to the formal complaint alleging the Perry Township Schools ("School") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-1.5-1 et. seq. The School has not responded despite an invitation to do so on February 14, 2017. The response is enclosed for review. Pursuant to 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 February 6, 2017.

BACKGROUND

The formal complaint dated February 6, 2017 alleges the School violated the APRA by denying access to requested records.

The Complainant requested of the School a copy of his elementary report cards. Based on information provided, the School's personnel was not able to provide him with the records sought. The School has not responded to the complaint.

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*. Perry Meridian



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Schools 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 School'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)*.

Without the benefit of a response from the School, I cannot accurately determine if the records the Complainant seeks exist or not. Based upon section EDA-16-065 of the Educational Institutions Retention Schedule prepared by the Indiana Archives and Records Administration, individual student files may be destroyed after five (5) years of the education. This would not apply to permanent transcripts or grades, but the cards themselves would likely be lawfully destroyed after the information has been entered into the permanent student file/transcript.

Please do not hesitate to contact me with any questions.

Luke H. Britt

Public Access Counselor