



STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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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 Clerk’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 Clerk’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)*.

A request for records may be oral or written. *See Indiana Code § 5-14-3-3(a); § 5-14-3-9(c)*. If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. *See Indiana Code § 5-14-3-9(b)*. A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

The Complainant’s records request was sent February 6, 2017. He was entitled to a response within seven (7) days of the Clerk’s receipt of the record. Without the benefit of the response by the Clerk, I cannot opine whether the omission was justified.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Marion County Clerk’s Office (Juvenile Division) has violated the Access to Public Records Act.

Luke H. Britt

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

Public Access Counselor