



STATE OF INDIANA

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The Clerk has maintained all audio recordings of court hearings are not in the custody of the Clerk. In order to retrieve those recordings the Complainant would need to contact the specific Court directly.

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 Tippecanoe County Clerk 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. A public agency has a reasonable time under Indiana Code S 5-14-3-3 to actually produce records pursuant to a request.

While the Clerk is the custodian of many court records, audio recordings in Indiana are maintained by the Court itself and not by the County Clerk. The Clerk appears to have taken good faith steps to advise the Complainant of this in its correspondence. A public agency does not have to provide copies of public records of which it is not the custodian. Therefore, the Clerk notified the Complainant accordingly.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Tippecanoe County Clerk did not violate the Access to Public Records Act.

Luke H. Britt

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Public Access Counselor



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