

June 15, 2001

Mr. K. R. Pylant  
306 Glencoe Avenue  
Fort Wayne, IN 46806

*Re: Advisory Opinion 01-FC-34; Alleged Denial of Access to Public Records by the City of Fort Wayne.*

Dear Mr. Pylant:

This is in response to your formal complaint, which was received on May 29, 2001. You have alleged that the City of Fort Wayne ("City") violated the Indiana Access to Public Records Act ("APRA,") Indiana Code chapter 5-14-3. Specifically, on May 18, 2001, you requested a specific document from the City and you claim that the City has denied you access by failing to honor your requests. Mr. Vince Robinson, Public Information Officer for the City, responded in writing to your complaint and a copy of his response is enclosed for your reference. For the reasons set forth below, it is my opinion that the City did not deny you access to public records in violation of the APRA.

#### BACKGROUND

According to your complaint, you hand-delivered a written request to the City, to the attention of Mr. Brian White with the City's Economic Development Department. You requested a copy of the Fort Wayne Neighborhood Housing Partnership's 2000 annual audit, associated audit letters, schedules of questioned costs and all other attachments related to the audit. On Monday, May 21<sup>st</sup>, you received a response from Mr. Robinson asking that you submit your request on the City's public record request form to the City's Public Information Office, which handles all public records requests for the City. You then sent a letter to Mr. Robinson dated May 22<sup>nd</sup> complaining that it was not responsive to your May 18<sup>th</sup> request and reiterating your request. It is not clear from your May 22<sup>nd</sup> letter whether you complied with the City's request that you complete their public records request form. On May 24, 2001, you filed your complaint with this Office claiming that you had been denied access to the records that you had requested.

In response to your complaint, Mr. Robinson states that you were never denied access to the requested public records. When he received your May 22<sup>nd</sup> letter, Mr. Robinson attempted to confirm with Mr. White as to whether a copy of the 2000 audit had been filed with the City. When he could not reach Mr. White, he called the Housing Partnership directly to inquire about the 2000 audit information, drove to that office and picked up a copy of the audit and its attachments. The Public Information Office mailed the documents to you on May 23, 2001 and since the Housing Partnership did not charge him a fee, Mr. Robinson provided the copies to you at no cost.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and 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. Any person may inspect and copy the public records of a public agency unless an exception to disclosure exists under Indiana Code section 5-14-3-4.

According to your complaint, you believe that the City denied you access by asking you to use their public records request form. Under the APRA, a public agency may, in its discretion, require that a request for inspection or copying be "in writing on or in a form provided by the agency." Ind. Code §5-14-3-3(a)(2). Mr. Robinson's letter to you dated May 18<sup>th</sup> did not constitute a denial under the APRA, but rather a request that you use the City's form for such requests as permitted under Indiana Code section 5-14-3-3(a)(2).

The City appears to have acted very promptly to obtain the records you requested and Mr. Robinson even went beyond the requirements of the APRA by securing a copy directly from the Housing Partnership in order to provide you with the requested information in a timely manner. It is my opinion, therefore, that the City did not deny you access to public records in violation of the APRA.

## CONCLUSION

It is my opinion that the City of Fort Wayne did not deny you access to public records in violation of the APRA.

Sincerely,

Anne Mullin O'Connor

Enclosure

cc: Mr. Vince Robinson, Dir. Of Public Info.

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