



# STATE OF INDIANA

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August 11, 2009

Michael Christianson  
DOC #135489  
727 Moon Road  
Plainfield, Indiana 46168

*Re: Formal Complaint 09-FC-171; Alleged Violation of the Access to Public Records Act by the Plainfield Correctional Facility*

Dear Mr. Christianson:

This advisory opinion is in response to your formal complaint alleging the Plainfield Correctional Facility ("Facility") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to records. A copy of the Facility's response to the complaint is enclosed for your reference. It is my opinion the Facility did not violate the APRA.

## BACKGROUND

You allege that on or about July 17, 2009 you requested access to names, titles, and shift schedules for certain employees at the Facility. You received a response on July 27 wherein the Facility denied you access to the shift schedules on the basis of I.C. § 5-14-3-4(b)(23). You filed the present complaint on August 3 (postmarked July 31), alleging the Facility has inappropriately denied you access to the requested records.

The Facility responded to the complaint by letter dated August 3 from Kevin Mulroony. The Facility indicates it provided you with staff rosters for all medical contract groups at the Facility. The Facility contends that the shift information is a record that could concern or affect the safety of the Facility. Specifically, the Facility contends that access to medical staff scheduling information increases the risk of a disruption in facility operations. An offender could coordinate an assault on a staff member by knowing the person's shift schedule and by submitting a request for health care at a time a specific staff member is scheduled to work.

## ANALYSIS

The public policy of the APRA states, "[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." I.C. § 5-14-3-1. The Facility is clearly a public agency for the purposes of the APRA. I.C. § 5-14-3-2(m). Accordingly, any person has the right to inspect and copy the public records of the Facility during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. § 5-14-3-3(a).

The APRA provides a number of categories of records which may be disclosed by an agency at the agency's discretion. A listing of such records may be found in I.C. § 5-14-3-4(b). One group of records which may be disclosed at the discretion of the agency is the following:

Records requested by an offender that:

...

(B) concern or could affect the security of a jail or correctional facility.  
I.C. § 5-14-3-4(b)(23).

The APRA defines "offender" as "a person confined in a penal institution as the result of the conviction for a crime." I.C. § 5-14-3-2(i). Because you are an offender, the Facility may withhold from disclosure records that "concern or could affect the security" of the Facility. *See* I.C. § 5-14-3-4(b)(23).

The Facility has provided an explanation as to how the release of the information you have requested could concern or affect the security of the Facility. In my opinion, the Facility's explanation is sufficient to demonstrate the records at issue fall within the exception to disclosure found in I.C. § 5-14-3-4(b)(23).

#### CONCLUSION

For the foregoing reasons, it is my opinion the Facility did not violate the APRA.

Best regards,



Heather Willis Neal  
Public Access Counselor

Cc: Kevin Mulroony, Plainfield Correctional Facility