



# STATE OF INDIANA

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August 21, 2009

Kevin Hadley  
DOC #157093  
4490 West Reformatory Road  
Pendleton, Indiana 46064

*Re: Formal Complaint 09-FC-181; Alleged Violation of the Access to Public Records Act by the Johnson County Circuit Court*

Dear Mr. Hadley:

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

## BACKGROUND

You allege that you have requested a copy of a transcript maintained by the Court and on July 7, 2009 the Court denied you access to the record. You filed the present complaint on August 7, 2009.

The Court responded to the complaint by letter dated August 17 from Judge K. Mark Loyd. The Court contends that it has already provided you a copy of the requested record, through your attorney. The Court suggests you contact your attorney to obtain that copy.

## 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 Court 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 Court 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).

If:

(1) a person is entitled to a copy of a public record under this chapter;  
and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person.

I.C. § 5-14-3-8(e).

Here, the Court has provided you, through your attorney, a copy of the requested record. While the APRA requires an agency to provide (for the appropriate fee) a copy of any public record not excepted from disclosure, the APRA does not require an agency to provide more than one copy of a record. *See* I.C. § 5-14-3-8(e). The Court has provided you with one copy of the requested record. As such, it is my opinion the Court has fulfilled its obligation under the APRA to provide you with one copy of the record.

#### CONCLUSION

For the foregoing reasons, it is my opinion the Court has not violated the APRA.

Best regards,



Heather Willis Neal  
Public Access Counselor

Cc: Judge K. Mark Loyd, Johnson County Circuit Court