



STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR
HEATHER NEAL

Indiana Government City South
402 West Washington Street, Room W460
Indianapolis, Indiana 46204-2745
Telephone: (317)233-9435
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

April 30, 2009

Marvin Taylor, Sr.
DOC #995801
One Park Row
Michigan City, IN 46360

Re: Formal Complaint 09-FC-87; Alleged Violation of the Access to Public Records Act by the City of Indianapolis

Dear Mr. Taylor:

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

BACKGROUND

You filed the present complaint on March 31, 2009. You allege that on March 6 you requested from the City a copy of an arrest warrant. You allege the City denied you access to the record.

The City responded to the complaint by letter dated April 16 from Samantha Karn, Chief Deputy Corporation Counsel and Public Access Counselor for the City of Indianapolis. The City provides a detailed accounting of the numerous requests for access to records you have submitted to the City as well as to the Marion County Clerk of the Courts related to the same record (as well as related records) you now request. The City contends the record you have requested has been provided to you in the format maintained by the Clerk's office. The City contends no further production is required.

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 City 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

City 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 record; the agency must provide *at least one copy* of the public record to the person . . .

I.C. § 5-14-3-8(e), *emphasis added*.

You allege that you have been denied access to the requested records, and the City contends you have been provided you with a copy of the requested record. See the City's response for a detailed accounting of the numerous times you have been provided records contained in the file associated with the specific cause number you reference. The APRA requires a public agency to provide one copy of a disclosable public record but does not require an agency to provide additional copies or to repeatedly provide copies of a particular record. *See* I.C. § 5-14-3-8(e). The City has not violated the APRA by refusing to disclose a record you have already received.

CONCLUSION

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

Best regards,



Heather Willis Neal
Public Access Counselor

Cc: Samantha Karn, City of Indianapolis