

## **Budget Overview**

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Agency: Public Access Counselor

Program: Agency Operating

Account #: 11180

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### **1. Description of Program:**

The responsibilities of the office include providing advice, assistance and legal opinions about the state's public access laws to members of the public and to public agencies. The office may provide advice by telephone, letter or electronic mail. The office is also charged with the responsibility of providing training and education to those who request it and for preparing educational materials regarding the state's public access laws. The law establishing the office provides for a formal complaint procedure which allows a person who believes he or she has been denied access to a public record or a public meeting in violation of state law to submit a formal complaint. The office must issue an advisory opinion in response to a formal complaint within thirty days of receiving the complaint. In response to formal complaints that qualify for priority status under the office's administrative rules, the office must issue an advisory opinion within seven days.

### **2. Accomplishments and challenges over the last two years:**

#### **A. Accomplishments**

- i. Improved primary performance metric (number of days between request for an informal advisory opinion and the issuance of an opinion) from "red" to "green" status.
- ii. Raised standard for achieving "green" and "yellow" measurements for primary metric from previous levels of 14 and 21 days for green and yellow metric levels, respectively, to current levels of 7 and 14 days, respectively.
- iii. Maintained "green" status on all other metrics.

#### **B. Challenges**

- i. The office experienced personnel changes in its two positions: public access counselor and legal assistant. The former public access counselor, Heather Neal, departed in August of 2009. The current public access counselor, Andrew Kossack, took office in September of 2009. The

office's legal assistant position has been held by three different employees in the last two years. Because these are the only two positions in the office, transitions are challenging because one person is left handling the workload of the entire office and the institutional knowledge of the office and the public access laws is lost.

- ii. The office continues to see an increase in activity each year. For example, from 2000 to 2009, the number of advisory opinions issued in response to formal complaints increased over 550% from 44 to 286. This is due to the public's heightened awareness of the public laws and the existence of the office, which was formed in 1999.

### **3. Objectives for the 2012 -2013 biennium:**

- A. To continue to provide thorough legal interpretation of the public access laws, advise members of the public and public agencies in a timely and professional manner, and raise awareness of the state's public access laws;
- B. To create new educational publications, update current publications, and provide quality presentations for organizations seeking the office's services. This includes developing virtual training tools for use by the public and public officials;
- C. To continue attracting unpaid interns to assist the office with statutory duties; and
- D. To provide enhanced content at the Public Access Counselor's website.

### **4. Key performance indicators:**

The key program indicator is a measurement of the number of days that elapse between the receipt of a request for an informal advisory opinion and the issuance of the opinion. Our office handles formal complaints, which must be issued within 30 days of receipt, and informal inquiries, which have no statutory deadline. The Key Performance Indicator (KPI) is a measurement of how quickly the office responds to the latter.

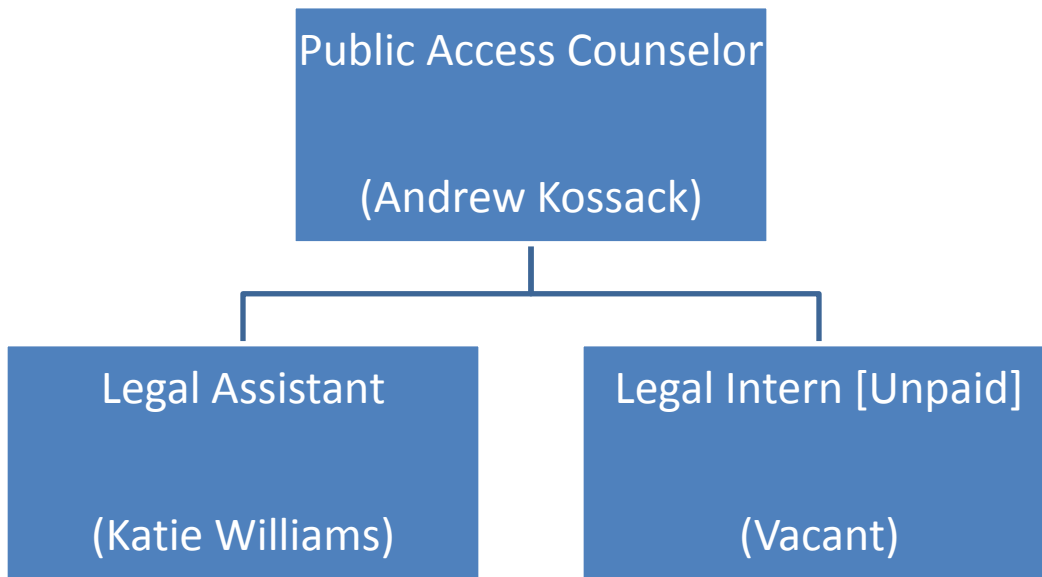
For all of 2009, the average response time was over 41 days. At that time, the performance measured at "green" status if the average time for issuing informal opinions was less than 14 days. "Yellow" status was achieved if the average response time was less than 21 days.

Counselor Kossack took office in September of 2009. In the first and second quarters of 2010, the average response time has been less than seven days in each quarter, which achieved "green" status for the KPI for the first time in over a year. Currently, the KPI's green and yellow targets have been modified to seven days and 14 days, respectively.

The other measurement is the number of days that the office takes to respond to telephone and emailed inquiries. Since the first quarter of 2008, the office has responded to such inquiries within an average of one day or less, which qualifies it for “green” status.

**5. Organizational chart:**

This office has only two paid employees: the public access counselor and the office’s legal assistant. Occasionally, the office will utilize an unpaid intern. The intern reports directly to the public access counselor.



**6. Programs to be reduced, eliminated, or replaced by other programs:**

The agency will strive to meet its 15% reversion target. No adverse impact on services is anticipated.

**7. Any reallocation of funds:**

None

**Other Relevant Information:**

The annual report of the Public Access Counselor, detailing programs and accomplishments of the Office for the 2009-2010 fiscal year, can be found at <http://www.in.gov/legislative/igareports/agency/reports/PUBACCCOUN08.pdf>