



# ACCESS TO PUBLIC RECORDS ACT

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# Access to Public Records Act

- Passed by the Indiana General Assembly in 1983
- Permit citizens easy access to review and copy public documents
- University policy VI.6.1 outlines the process to responding to public records requests.




# What Types of Documents May Be Accessed?


- Any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemical based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.
- Includes e-mail!



# Requests for Information

- The agency may require the request to be in writing.
- Must identify with reasonable particularity the record requested.
- Documents are to be accessed during normal business hours
- Employees of the Public Agency cannot ask the purpose of the request.

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- If a request is mailed or sent by fax, a public agency must respond within 7 calendar days.
  - If the request is made in person or over the telephone, the agency must respond within 24 hours.

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- The Public Agency is not required to make copies; but must provide an area for the individual to review the requested documents.
  - If the document contains both disclosable and nondisclosable information, the agency must redact the nondisclosable information.



# Fees

- The Act provides for the charging of “actual costs.” Actual cost is defined as the cost of per-page cost. The current charge for paper copies is \$0.10 per page.
- An agency cannot charge for the costs of labor or overhead.



# What Documents Are Not Accessible?

Indiana Code 5-14-3-4 lists the exceptions:

- Those declared confidential by state statute
- Those required to be kept confidential by federal law
- Records containing trade secrets
- Confidential financial information
- Information concerning research



# Not Accessible - Continued

- Grade transcripts and license examination scores
- Patient medical records and charts unless the patient provides written consent for the record's disclosure
- Application information declared confidential by the Twenty-First Century Research and Technology Fund Board



# Discretionary Documents

- The Act grants public agencies some discretion in determining which public records should be disclosed.
  - Investigatory records of law enforcement agencies
  - The work product of an attorney employed by the state or public agency
  - Test questions, scoring keys and exam data used in administering licensing exams



# Discretionary - Continued

- Software owned by the public agency
- Records specifically prepared for discussion in executive sessions
- Work product of the legislative service agency, or the general assembly and its staff
- The identity of a donor if the donor or family requests non-disclosure
- Certain information identifying library patrons or materials deposited with the library or archives



# Discretionary - Continued

- Certain records relating to negotiations while the negotiations are in process
- Intra-agency or inter-agency advisory or deliberative materials used in decision making
- Diaries, journals or other personal notes
- Certain information contained in files of public employees and applicants for employment
- Administrative or technical information that would jeopardize a record keeping or security system



## Also Delegated to Others:

- DBM - General University Records
- PUSH is responsible for student medical records
- Registrar is responsible for student records
- Student Services works with the Registrar for other student information



# What Should You Do If You Receive a Request?

- Requests should be forwarded to Lucia Anderson, DBM, FREH.
  - Lucia will work with the area that is responsible for maintaining the record requested and prepare the response
  - Lucia will forward to the University attorney if the record appears to be in a gray area



# The Most Common Requests:

- Salary information
- Contracts for Athletic Coaches and Staff
- Personnel files
- Medical information
- Addresses or lists of names
- Purchasing contracts



# Subpoenas

- Subpoenas are different than public records requests
- All subpoenas should be forwarded to the Public Records Officer
- Not all subpoenas are valid (out of state)
- Works with legal counsel



# Personnel Files

- Under the APRA Personnel files are disclosable ***only*** to the individual.
- Departmental personnel files should contain documents such as contracts, offer letter, payroll changes, performance reviews, etc.
- Letters and memos that have been given to the employee.



QUESTIONS ???