



Office of Faith-Based and Community Initiatives

Mitchell E. Daniels, Jr., *Governor* • Paula Parker-Sawyers, *Executive Director*

COMMUNICATION 2005-P-05

TO: OFBCI Personnel, Contractors, and Sub-grantees
FROM: Paula Parker-Sawyers, Executive Director
CC: Agency Operations Manual (2005)
DATE: August 11, 2005
SUBJECT: **Public Records, Access to and Copy of**

PURPOSE

To publish agency guidelines on access to and copy of public records.

EFFECTIVE DATE

Retroactive to January 11, 2005.

SCOPE

This communication applies to all OFBCI personnel, contractors, and sub-grantees.

RECESSION

The OFBCI rescinds all previous communications issued by the Indiana Commission on Community Service and Volunteerism (ICCSV) and the Department of Workforce Development (DWD) pertaining to the access and copy of public records.

STATEMENT OF POLICY

A. *Policy Established.*

The guidelines outlined in Attachment A are hereby established as agency policy.

REFERENCES AND PRECEDENCE

A. *References.*

IC 5-14-3

B. *Precedence.*

Should there be any inconsistency between the Indiana Code, Indiana Executive Orders, Indiana Administrative Code, and this internal policy the order of precedence that will prevail

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is (1) the Indiana Code; (2) Indiana Executive Orders; (3) Indiana Administrative Code; and (4) this internal policy.

INTERPRETATION

The Indiana Public Access Counselor, the Attorney General, the OFBCI Executive Director, and other adjudicating bodies shall have the authority to interpret each of the provisions set forth in this communication.

APPROVAL:



Paula Parker-Sawyers, Executive Director

August 11, 2005

Date

ATTACHMENT A

ACCESSING PUBLIC RECORDS: A GUIDE TO THE OFBCI'S POLICIES AND PROCEDURES

"A fundamental philosophy of the American constitutional form of representative government is that government is the servant of the people and not their master. Accordingly, it is the public policy of the state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Providing persons with the information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty is to provide the information." (Indiana Code 5-14-3-1)

"The Access to Public Records Act provides the people of Indiana with broad access to the public documents maintained by public agencies. Access to public documents is the rule – not the exception." For more information about the Access to Public Records Act, please visit <http://www.ai.org/pac>. Here you will find an electronic copy (PDF format) of *Indiana's Public Access Laws: A Handbook prepared by the Office of the Attorney General and Office of the Public Access Counselor*.

Responsibilities of the Public Agency

- To produce any and all records not otherwise excluded under IC 5-14-3-4.
- To produce any and all records not deemed appropriate as provided for in IC 5-14-3-4(b).
- To respond to a physical, telephone, or enhanced access request within twenty-four (24) hours after the receipt of the demand. If the request is mailed or sent by facsimile, a public agency must respond within seven (7) calendar days of the receipt of the demand. It is important to note that the Act does not compel the actual production of records within these specified time periods, only a response to the request.)
- To notify the requestor of the cost per copy prior to the making the copy.
- To permit the public access to public records during the regular business hours of the particular public agency from which the records are sought. The OFBCI's established business hours are Monday through Friday (except Public Holidays) 8:00 a.m. to 4:30 p.m.
- To ensure there is adequate time for individuals that wish to inspect and copy records.
- To reference a specific statutory reason for nondisclosure of the information, and the name and title of the person responsible for the denial of a request. (IC 5-14-3(a): "No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute."

Responsibilities of the Requestor

- To remit a request that identifies with reasonable particularity the record or records being requested.
- To submit a request based on the method adopted by the public agency. **IMPORTANT: Please refer to the attached sample letter.**
- To reasonably respect the other business of the public agency. (Example: The requestor may not commandeer a public agency's copier for his/her sole use.)
- To file a civil lawsuit in the circuit or superior court of the county in which the denial occurred.
- To pay all copy fees assessed by the agency.

FORMAL REQUEST INSTRUCTIONS

The attached template has been designed by Indiana's Public Access Counselor and adopted by the Office of Faith-Based and Community Initiatives (OFBCI) as a way of assisting citizens in the preparation of their requests for access to public records. When submitting a public access request to the OFBCI, please use this template.

- Formal requests must be made in writing to the OFBCI.
- All requests must be accompanied on personal stationary or business letterhead. The letterhead must identify the name of the individual or business submitting the request and contain a current mailing address, telephone number, and other relevant contact information.
- The request must be presented to the OFBCI in one or more of the following forms: physically, by U.S. Mail or other carrier, and/or facsimile. Oral requests, either in person or by telephone, are permitted. However, the requestor will be asked to renew his/her demand in writing.
- The physical location of the Office of Faith-Based and Community Initiatives is:

**302 West Washington Street, Room E012
Indiana Government Center – South Complex
Indianapolis, Indiana**

- The address for the Office of Faith-Based and Community Initiatives is:

**302 West Washington Street, Room E012
Indianapolis, Indiana 46204**

- To send a facsimile, please dial:

(317) 233-5660

- All questions should be posed to the Chief Financial Officer at (317) 233-0900.

SAMPLE LETTER

Requesting Access or Copy of Public Record

(Date)

Ms. Paula Parker-Sawyers
Executive Director
Office of Faith-Based and Community Initiatives
302 West Washington Street, Room E012
Indianapolis, Indiana 46204

RE: Request for Access to (or Copy of) Public Record

Dear Ms. Parker-Sawyers:

Pursuant to the Indiana Access to Public Records Act (IC 5-14-3), I would like to (*inspect or obtain a copy of*) the following public records:

(Be sure to describe the records sought with enough detail for the public agency to be able to respond.)

I understand that if I seek a copy of this record, there may be a copying fee. Please inform me of the cost prior to making the copy. I can be reached at (*telephone number*).

According to the statute, you have ____ days to respond to this request. (*If this letter was delivered personally to the public official's office, the agency has 24 hours to respond to the request. If the letter is delivered by U.S. mail or facsimile, the agency has seven (7) days to respond to the request.*) If you choose to deny the request, then you are required to respond in writing and cite the statutory exception authorizing the withholding of all or part of the public record and the name and title of the position of the person responsible for the denial.

Thank you for your assistance on this matter.

Sincerely,

(Your Name)