



STATE OF INDIANA

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October 21, 2016

Ms. Kristen Brown
918 Shorewood Court
Columbus, Indiana 474201

Re: Formal Complaint 16-FC-230; Alleged Violation of the Access to Public Records Act by City of Columbus Fire Department

Dear Ms. Brown:

This advisory opinion is in response to your formal complaint alleging the City of Columbus Fire Department (“CFD”) violated the Access to Public Records Act (“APRA”), Indiana Code § 5-14-3-1 et. seq., Mr. Alan Whitted, Esq., responded on behalf of the CFD. His response is enclosed for your review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on September 9, 2016.

BACKGROUND

Your complaint dated September 9, 2016, alleges the CFD violated the Access to Public Records Act by not fulfilling your records request.

On August 15, 2016, you requested through email communication “what time the first call reporting the Fox Pointe apartments fire was made to dispatch, when each responding unit was dispatched and when each responding unit arrived on the scene”. Capt. Michael Wilson responded to the request on August 16, 2016 providing the information requested with dispatch times and arrival times according to the firehouse report. You replied the same day restating your request.

On August 19th, 2016, Captain Wilson replied asking you to submit a public information request to the administrative offices and the information he had previously provided was all that was available in the firehouse records. The response argues they provided you with all the information requested. They have suggested if you would like more information or copies, to directly contact Bartholomew County Operations Center.

ANALYSIS

The public policy of the APRA states that “(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.” *See Indiana Code § 5-14-3-1*. The Columbus Fire Department is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)(1)*. Accordingly, any person has the right to inspect and copy the CFD’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

It appears as if the CFD has identified and sent the specific information it had available and referred you to send requests to Bartholomew Country Operations Center. It extrapolated information from your request and identified documents to satisfy it. You were provided with all the information he had available in firehouse records as you requested.

You did not request formal copies of a specific public record or document -if you had, those would have been provided to you. CFD promptly provided all of the information of which it had available. CFD has suggested for you to directly contact the Bartholomew Country Operations Center and request formal documentation of dispatch times, which should be available for your inspection and copy.

CONCLUSION

Based on the foregoing, it is the Opinion of the Indiana Public Access Counselor the Columbus Fire Department has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. Britt', with a large, sweeping flourish underneath.

Luke H. Britt
Public Access Counselor

Cc: Mr. Alan L. Whitted, Esq.