

THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

GENERAL ORDINANCE NO. 2012-85-16

AN ORDINANCE ADOPTING A POLICY WITH RESPECT TO PUBLIC RECORDS

It is in the best interests of the County and its citizens for the County to establish a policy establishing an orderly procedure for compliance with the provisions of I.C. 5-14-3 (Access to Public Records), in order to prevent unreasonable invasions of privacy, to protect public records from damage or disorganization, to protect its employees from harm, and to prevent interference with governmental functions.

I.C. 36-1-3 is known as the Home Rule Act.

I.C. 36-1-3-5(a) provides that a unit may exercise any power it has to the extent that the power: (1) is not expressly denied by the Indiana Constitution or by statute; and (2) is not expressly granted to another entity.

I.C. 36-1-3-6 provides that if there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner, and that in the absence of a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either: comply with a statutory provision permitting a specific manner for exercising the power or adopt an ordinance prescribing a specific manner for exercising the power.

I.C. 36-1-2-23 defines "unit" to include a county.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA, THAT THE FOLLOWING POLICY IS NOW ADOPTED:

WABASH COUNTY PUBLIC RECORDS POLICY

1. **Purpose.** The purpose of this Policy is to provide rules by which the Wabash County Board of Commissioners and its departments implement and ensure compliance with the provisions of Indiana Code 5-14-3 (Access to Public Records).

2. **Interpretation and Construction.** The provisions of this Policy shall be liberally interpreted and construed to promote full access to the County's public records in order to assure continuing public confidence in government; provided, that when making public records available the County shall prevent unreasonable invasions of privacy, shall protect public records from damage or disorganization, shall protect its employees from harm, and shall prevent interference with governmental functions.

3. **Public Records Available.** Public records shall be made available for public inspection and copying pursuant to IC 5-14-3.

4. **Public Records not Available.** The documents found in I.C. 5-14-3-4-(a) and (b) are not available for public inspection or copying.

5. **Public Information Officer.** The Public Information Officer, who shall be appointed by the Board of Commissioners, shall serve as the point of contact for those who request disclosure of public records. The Public Information Officer shall be responsible for implementation of and compliance with IC 5-14-3 and this Policy.

6. **Public Records Requests – How Made.**

- 6.1. Public records may be inspected and/or copies may be obtained under the following procedures:
 - 6.1.1. A request for public records shall be directed to the Public Information Officer.
 - 6.1.2. A request for public records shall be made in writing and include the following information:
 - 6.1.2.1. The requester's full legal name (which, for a person, consists of one given name and one surname or patronymic), and , mailing address, phone number and email address (if one is available).
 - 6.1.2.2. The date of the request;
 - 6.1.2.3. A clear indication that the document is a "Public Records Request;"
 - 6.1.2.4. A clear and concise description of the public records requested for inspection and/or copying;
 - 6.1.2.5. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
 - 6.1.2.6. Whether the request is for printed or digital copies of the public record.
 - 6.1.3. A request may not be made under a fictitious name, since it lends itself too readily to fraud, harassment, harm, and/or mischief, by reason of the concealment involved, and it is too likely to be used against the public or private interest.
 - 6.1.4. The Public Information Officer, at his or her discretion, may request a government-issued photo ID if a person is the requester, or a certificate of good standing issued by the Secretary of State of the State in which the requester is situated, if the requestor is an entity, such as a corporation or a limited liability company. At the discretion of the Public Information Officer, he or she may deny a request for public records if identification is not produced.
 - 6.1.5. If a department maintains indexed records specifically for public inspection and copying, inspection and copying in response to an oral request is permitted. However, the Public Information Officer shall require a written request if the request is for or the response may include any of the following:
 - 6.1.5.1. A list of individuals;
 - 6.1.5.2. Categorical requests not identifying a specific public record;

6.1.5.3. Subjects of current, threatened or potential litigation;

6.1.5.4. Reproduction of oversized documents such as maps, surveys, large format photographs or color reproduction; or

6.1.5.5. Public records or information exempt from disclosure.

6.2. The County shall develop and maintain forms to facilitate public record requests.

7. **Inspection of Public Records - Where and When.** Public records shall be inspected at the offices of the department having custody or control of the records during regular business hours, excluding legal holidays. The Public Information Officer may request that the person seeking to inspect public records schedule an appointment for inspection.

8. **Response to Public Records Requests**

8.1. The Public Information Officer shall, to the extent practicable, assist requesters in identifying the public records sought.

8.2. There is no obligation to allow inspection or provide a copy of a public record on demand.

8.3. The Public Information Officer shall respond in writing to a request for public information made in person within twenty-four (24) hours or to a request for public information received by mail, fax, or email within seven (7) calendar days. The Public Information Officer shall make one or more of the following responses:

8.3.1. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;

8.3.2. The request has been received by the Public Information Officer, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;

8.3.3. The request has been received by the Public Information Officer and the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying; or

8.3.4. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record.

8.4. Additional time to respond to a request may be based upon the County's need to:

8.4.1. Clarify the intent of the request;

8.4.2. Identify, locate, assemble and/or make the records ready for inspection or disclosure;

8.4.3. Identify the identity of the requester;

- 8.4.4. Notify third persons or agencies affected by the request; or
 - 8.4.5. Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.
 - 8.4.6. If a requester fails to clarify the request after receiving a response from the Public Information Officers seeking clarification, the Public Information Officer need not respond further to the request.
- 8.5. When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the Public Information Officer shall promptly notify the County Attorney of the request. Each page of the records provided to the requester shall be sequentially numbered or otherwise uniquely identified. Copies of the request, all correspondence between the Public Information Officer and the requester, and copies of the public records provided to the requester shall be delivered to the County Attorney. The requester shall not be charged for copies delivered to the County Attorney.

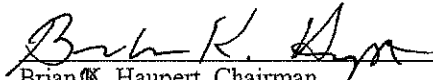
9. Copying Fees.

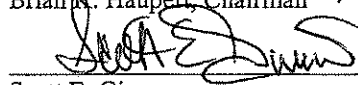
- 9.1. A. No fee will be charged for the inspection of a public record; for locating public records in response to a request and making the records available for inspection or copying; or for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.
- 9.2. The fee for copying of documents is \$.10 per page.
- 9.3. The copying fee for any request for which the response will be oversized documents, color photographs or reproductions, tape recordings and computer disks shall be the actual expense for copying, including the cost of materials.

10. Copies of Policy Available to Public. Copies of this Policy and public records request forms shall be available to and provided to the public, without cost, at each County office.

Adopted this 29th day of OCTOBER, 2012.


BOARD OF COMMISSIONERS OF WABASH COUNTY


 Brian K. Hauptert, Chairman


 Scott E. Givens


 Barry J. Eppley

ATTEST:


 Jane Ridgeway, Wabash County Auditor