

## Records Requests FAQ's for 911

### 1. **What is the legal process I should follow on requests for public documents?**

Prior to submitting a records request, one should consider the following questions: Is it a public agency? Do they have a process that they utilize when intaking records requests, such as a form or a designated inbox? Are my requests specific?

An agency has discretion whether it requires a request to be in writing or on a provided form provided. It is advisable to first contact the public agency to determine whether a request form is required and/or if specific information is required to quickly locate documents.

### 2. **Do we need a local ordinance and fee structure for requests?**

APRA states that you cannot charge for the inspection or search of records and a local ordinance cannot preempt Indiana Code. Per Ind. Code § 5-14-3-8, the copying of documents may not exceed \$.10 for black and white copies, \$.25 for color copies, or the actual cost to the agency in copying a document in an unusual or alternative form. "Actual cost" is defined as the cost of the paper plus the per-page cost of use of the copying and may not include labor and overhead. If the records need to be on a thumb drive or CD, the cost of the physical media can be charged back to the requester.

The fee for certification of documents may not exceed \$5.00 per document. All fees must be uniform to all purchasers.

### 3. **Are there any reasons to deny a request i.e criminal investigation?**

If the records contain confidential information, that information should be redacted or the record denied if redaction is impracticable. Investigatory records of law enforcement may be withheld if the following types of criteria apply: would the release of the records compromise the fidelity of an underlying investigation?; would the release jeopardize the safety of a witness or victim?; would their release negatively – and significantly - affect a critical public safety element such as exposing sensitive investigatory methodology?

If access to a public record would reveal disclosable and nondisclosable information, the information that is disclosable must be made available for inspection. The public agency must separate, or redact, the nondisclosable information.

### 4. **What records can be released "from" dispatch?**

APRA does not specifically reference 'dispatch centers' in statute, however, law enforcement must disclose a daily log of dispatch activity upon request. It is advisable to work with the LEOs you serve to determine what types of detail need to be disclosed and what may qualify as investigatory record. Fire and ambulance services also have statutes mandating certain disclosures.

#### **a. What if the center received a tort notice, do I still need to release the related information to the public? (I know I will have to share it as part of the civil case.)**

Undisclosable records can be requested through the courts with a motion to compel, subpoena or a third party request for production of record. Their release through the judicial process does not affect the release to the public, unless outlined by the court.

#### **b. If I have additional questions, who can I reach out to?**

The Office of the Public Access Counselor can be reached at:

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)234-0906  
Fax: (317)233-3091  
Email: [pac@opac.in.gov](mailto:pac@opac.in.gov)

**5. How many days do we have to respond to a records request?**

If a requestor is physically present in the office of the public agency or makes a request by telephone or requests enhanced access to a document, the public agency must respond to the request within **24 hours** after any employee of the agency receives the request. If a request is mailed or sent by facsimile or email, a public agency must respond within **seven calendar days** of the receipt of that request. The APRA requires only a response and not the actual production of records within this specified time period.

**6. Can I redact any of the information? If so, what is the recommended method of redacting information?**

The public agency must separate, or redact, nondisclosable information such as phone number, and address of a complainant or juvenile. LEOs should be consulted on what is appropriate for release.

Ind. Code 5-14-3-4 (b) (21) The phone number, and address of a complainant, unless the address is location of the suspected incident, only then can it be made available for public inspection and copying.

**7. Is there any expectation of privacy if there is victim information or even juvenile information in the record?**

Ind. Code 5-14-3-4 (a)(15) Juvenile victim information contained in a daily log or record is exempt from disclosure unless a parent, guardian, or custodian of the victim consents in writing to disclosure and that parent, guardian, or custodian has not been charged or convicted of committing a crime against the victim. Records described may be disclosed to the department of child services.

Victims who are not juvenile must be disclosed, if known, except sex crime victims.

**8. If an employee wants to see their employment record, what can they see? If they can see it, are they allowed to see everything or are there documents that we should not provide them?**

Ind. Code § 5-14-3-4 (b)(8):

Personnel files of public employees and files of applicants for public employment are exempt, except for: The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency.

Information relating to the status of any formal charges against the employee.

The factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.