Indiana’s Public Access Counselor and Access Laws
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Indiana’s Public Access Counselor

• The Public Access Counselor provides advice and assistance concerning Indiana’s public access laws (specifically the Access to Public Records Act and the Open Door Law) to members of the public and government officials and employees. Indiana Governor Frank O’Bannon created the office by executive order in 1998 after a statewide collaboration of seven newspapers found great obstacles in obtaining government information in Indiana. The General Assembly then created the office by statute in 1999.
Indiana’s Public Access Counselor

The powers and duties of the public access counselor are the following:

- To establish and administer a program to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws.
- To conduct research.
- To prepare interpretive and educational materials and programs in cooperation with the office of the attorney general.
- To distribute to newly elected or appointed public officials the public access laws and educational materials concerning public access laws.
- To respond to informal inquiries made by the public and public agencies concerning the public access laws.
- To issue advisory opinions to interpret the public access laws upon the request of a person or public agency. However, the counselor may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed.
- To make recommendations to the general assembly concerning ways to improve public access.

Public Access Successes

- Issuing about 300 Advisory Opinions and 40 informal opinions per year
- Responded to nearly 5000 email, phone and mail inquiries with 38% from public, 10% from the media and 52% from governmental entities.
- More than 30 educational presentations per year throughout Indiana
Public Accesses Challenges

- Abusers of Requests
- The Weaponization of Public Access
- Government Subversion
- Redefining Access
- Technology

Indiana Public Access Resources

www.in.gov/pac

- Fact Sheets
  - Public Access to Death Records
  - Public Access to Election Records
  - Public Access to Juvenile Records
  - Public Access to School Records
  - Public Access to Warrants and Mug Shots
  - Subpoenas and Public Access Laws
  - Public Access to Budget Hearings

- Handbook
  - Public Access Handbook

- Samples
  - Sample Records Request Letter
  - Sample Public Agency Records Request Response Letter
  - Sample Executive Session Notice I
  - Sample Executive Session Notice II
  - Sample Public Meeting Notice