



**WELLS COUNTY ORDINANCE NO. 2018-04**

*An Ordinance Concerning the Adoption of a Public Records Policy for Wells County Government to Implement and Ensure Compliance with the Provisions of Indiana Code 5-14-3 (Access to Public Records) for the County's Public Records.*

WHEREAS, IC 5-14-3, the Access to Public Records Act ("APRA"), was enacted to permit the citizens of Indiana broad and easy access to public records. By providing the public with the opportunity to review and copy public records, the APRA gives individuals the opportunity to obtain information relating to their government and to more fully participate in the governmental process; and

WHEREAS, The Board of Commissioners of the County of Wells believes that a written Policy is essential to provide rules by which the County and its departments implement and ensure compliance with the provisions of the APRA for access to the County's public records while protecting public records from damage or disorganization, and shall preventing excessive interference with essential government functions.

NOW, THEREFORE, be it ordained by The Board of Commissioners of the County of Wells, that the County adopts the following policy:

**WELLS COUNTY PUBLIC RECORDS POLICY**

**Purpose**

The purpose of this Policy is to provide rules by which the Board of Commissioners of the County of Wells and its departments implement and ensure compliance with the provisions of Indiana Code 5-14-3 (Access to Public Records) for the County's public records.

**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, and shall prevent excessive interference with essential government functions.

## **Public Records Available**

Public records shall be made available for public inspection and copying pursuant to IC 5-14-3. The County determines that each elected county official or the department head of each county agency, department or office shall serve as the point of contact for members of the public who request disclosure of public records from any county agency, department or office and shall be responsible for implementation of and compliance with IC 5-14-3.

## **Public Records Requests – How Made**

A. Public records may be inspected and/or copies may be obtained under the following procedures:

1. A request for public records shall be directed to the elected county official or department head of each county agency, department or office.
2. A request for public records shall be made in writing and include the following information:
  - (a) The requester's name, mailing address, phone number and email address (if one is available);
  - (b) The date of the request;
  - (c) A clear indication that the document is a "Public Records Request";
  - (d) A clear description of the public records requested for inspection and/or copying;
  - (e) 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
  - (f) Whether the request is for printed or digital copies of the public record.
3. 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 elected county official or department head of each county agency, department or office shall require a written request if the request is for or the response may include any of the following:
  - (a) A list of individuals;
  - (b) Categorical requests not identifying a specific public record;
  - (c) Subjects of current, threatened or potential litigation;
  - (d) Reproduction of oversized documents such as maps, surveys, large format photographs or color reproduction; or
  - (e) Public records or information exempt from disclosure.

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

## **Inspection of Public Records - Where and When**

Public records shall be inspected at the offices of the county agency, department or office having custody or control of the records during regular business hours, excluding legal holidays; provided, that there is no obligation to allow inspection immediately upon demand. The elected county official or department head of each county agency, department or office may request that the person seeking to inspect public records schedule an appointment for inspection.

## **Response to Public Records Requests**

A. The elected county official or department head of each county agency, department or office shall, to the extent practicable, assist requesters in identifying the public records sought.

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

C. The elected county official or department head of each county agency, department or office shall respond in writing to a request for public information made in person within 24 business hours, or to a request for public information received by mail, fax, or email within seven calendar days. The elected county official or department head of each county agency, department or office shall make one or more of the following responses:

1. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;
2. The request has been received by the elected county official or department head of each county agency, department or office, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;
3. The request has been received by the elected county official or department head of each county agency, department or office 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
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.

D. The elected county official or department head of each county agency, department or office shall immediately notify the requester if, after responding to a request for public records and approving the request, the elected county official or department head of each county agency, department or office identifies requested public records or information that are exempt from disclosure.

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

1. Clarify the intent of the request;
2. Identify, locate, assemble and/or make the records ready for inspection or disclosure;
3. Notify third persons or agencies affected by the request; or
4. 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.

F. If a requester fails to clarify the request after receiving a response from the elected county official or department head of each county agency, department or office seeking clarification, the elected county official or department head of each county agency, department or office need not respond further to the request.

G. When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the elected county official or department head of each county agency, department or office 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 elected county official or department head of each county agency, department or office 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 the copies delivered to the County Attorney.

### **Copying Fees**

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.

B. Wells County Council Resolution 99-4 sets the fee for copying of documents at \$.10 per page. This resolution does not supersede any other fee set by state statute or is ordered by a court of competent jurisdiction for services rendered by the County.

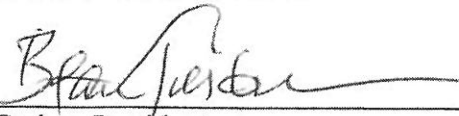
C. The copying fee for any request for which the response will be oversized documents, color photographs or reproductions, tape recordings and computer disks shall be the actual expense for copying, including the cost of materials.

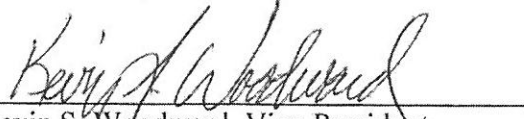
### **Copies of Policy Available to Public**

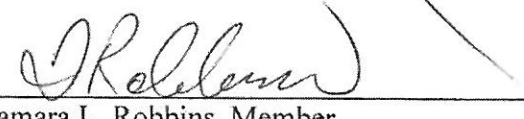
Copies of this Policy and public records request forms shall be available to and provided to the public, without cost, at each County office. Electronic copies shall be made available to the public on the County's website.

All as Passed and Ordained this 19<sup>th</sup> day of March, 2018.

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF WELLS:

  
\_\_\_\_\_  
Blake Gerber, President

  
\_\_\_\_\_  
Kevin S. Woodward, Vice-President

  
\_\_\_\_\_  
Tamara L. Robbins, Member

ATTEST:

  
\_\_\_\_\_  
Beth Davis, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 222 West Market St., P.O. Box 295, Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Beth Davis*