

Date:	Reference No.:	Agenda Item No.:
8/3/2012		08.01.

Subject: Motion to Approve a Policy for Request for Public Records

Summary of Request:

Due to our ever increasing number of public records request for such items as plans, economic development agreements, check registers, etc. staff is concerned about a lack of formality that our current process has. At this point, most of our requests for information come via email and there is no tracking and verification of receipt or proof that the information was provided in a timely manner. There also is a lack of clarity on exactly what the State Statutes require the Town to provide, in what manner and the costs associated with that information. To this end, our Town Attorney has drafted the attached proposed policy for review and consideration. My main area of focus was to clearly outline the requirements of the proces, such as costs for reproduction, timeline for provision of the information and a clear statement that the Town is not required to produce or create a report that doesnt exist to satisfy a request. Staff has reviewed the policy and have made minro suggestions for improvement adn clarification. We will work on incorporating those changes into the policy and will outline them at the Council meeting.

Financial Summary:

Budget Funds Available	If Yes, Amount
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	

	Line Item Name	Line Item Number
Budget Fund Information:		

Recommend Bid/Contract Amount: N/A

Estimated Project Costs: (whole numbers)	Architecture/Engineering	N/A
	Construction/Procurement	N/A
	Contingency	N/A
	Miscellaneous Costs	N/A
	TOTAL ESTIMATE	N/A
	Future Expenses (if any)	N/A
	Revenue Generated (if any)	N/A

Department Head Approval:

Date:

Assistant Town Manager Approval:

Date:

ATM Comments:

Supporting Documentation:

Proposed Policy, Application

Action Requested:

Unanimous Consent by the Town Council and Approval of the Proposed Public Records Request Policy.

Town Manager Approval:

Shant A. Williams

Date:

8/3/2012

TM Comments:

Staff is still in the process of reviewing the proposed policy and there may be changes recommended at the meeting on Thursday night. I do feel that it is important to have a written policy to set expectations for the public, identify the approved process, have an application for the Town's records and outline limitations according to State Statute. I recommend approval of the policy.

TOWN OF BROWNSBURG

POLICY FOR REQUEST FOR PUBLIC RECORDS

1. **PURPOSE:** The purpose of this Public Records Policy is to provide guidance on how the Town of Brownsburg will coordinate a public records request from any requesting party pursuant to Indiana Access to Public Records Act at I.C. 5-14-3-1 *et seq.*(the “Act”)
2. **POLICY:** All public records requests must be submitted in writing on the Town’s application form, attached hereto as Exhibit A. The Town’s application form is also available on the Town’s website at www.brownsburg.org. All completed request forms must be submitted to the Office of the Town Manager at Town Hall for review and processing. You can also submit the application form via electronic mail to: recordsrequest@brownsburg.org

Requests must identify with reasonable particularity the record being requested. Requests will be reviewed promptly, although the actual formal response and/or the identification, retrieval and production of records may take a reasonable amount of time to complete. Please include as much information as possible i.e. complete names, subject matter, time period, etc. Other factors that may impact the response time are age of the requested documents, whether the records must be reviewed and redacted, and the volume of records/documents requested.

It is also important to understand that under Indiana law, certain records are exempt from disclosure, while other records may be produced with certain portions redacted. For a complete list of the types of materials and/or information that is exempt from public disclosure please consult I.C. 5-14-3-1 *et seq.* In addition, the Town is not required to create documents that do not otherwise exist in the Town’s files in response to a request.

3. **STANDARD CHARGES:** All responses to public records request are subject to such fees as are used by the Town consistent with the Act. There is no charge to inspect, examine or search for a public document on site. Many public records are available on line at: www.brownsburg.org.
4. **COMPLETION OF REQUEST:** Once the public records request is complete and documents are available for pick-up or in some cases electronic delivery, you will be notified of the total costs and when the records will be available. Payment of exact cash or a check made out to the “Town of Brownsburg” should be submitted when records are picked up at the Town Manager’s Office at Town Hall, 61 North Green Street, Brownsburg, Indiana 46112.

**TOWN OF BROWNSBURG
PUBLIC RECORDS REQUEST APPLICATION FORM**

Name: _____ **Date:** _____

Organization Name (if applicable): _____

Address: _____

E-mail (optional) _____ **Telephone:** _____

Fax No. (If applicable): _____

Documents Requested (Please be as specific as possible and include all known information such as dates, subject, time periods, etc.)

Please check the appropriate box below indicating the format you prefer to you receive your requested documents in:

- Printed (0.10 per page, \$.25 per color page)**
- Email/Fax (option only available for small requests, less than 25 pages that can be retrieved electronically, No charge).**
- DVD (\$7.00 option only available for applicable requests that are available electronically)**
- Other Electronic Devices except DVD's (\$1.00 option only available for request that are available electronically.)**

This form must be completed for all public records requests and submitted to the Town Manager's office to be considered.

Submission of this form requires that the Town of Brownsburg acknowledge receipt of the request within (7) calendar days. There is no requirement of the production of records within this specified period of time.

Exhibit A

This application is for all Town records and excludes any records maintained by the Brownsburg Police Department and/or the Brownsburg Fire Territory. If you would like to request records from the Brownsburg Police Department and/or the Brownsburg Fire Territory, please contact them directly for those records and the appropriate application of request.

The undersigned agrees that he/she has read the Town of Brownsburg Request for Public Records Policy, and agrees to be bound by the terms and conditions thereof.

Applicant's Signature

Date

The below portion is to be completed by a Town of Brownsburg Official

Received by: _____ **at** _____ **on** _____

Signature _____

Printed Name and Town Department/Title : _____

Sent to Legal on _____