

ACCESS TO PUBLIC RECORDS – GENERAL INFORMATION AND
BASIC QUESTIONS & ANSWERS

To request public records, you must fill out an Access to Public Records Request form and submit this form to the Department having possession of the records. Oral requests for records must be converted to the City's written form. If you have prepared a written request on your own, it can be attached to the City's form, and you should then complete the top portion of the City's form.

Not every request for records can be granted. Some information is not discloseable under law. Also, a public record request means that something must exist. It does not cover future records. Nor is it a means to obtain answers to questions. The City is not obligated to create a public record to answer your inquiry.

Q: How specific must I be in my request for public records?

A: Be specific as to place (location/address), time, and type of document. If the request form is not specific as to time, the City will provide only the latest document requested. Although you may not know the official names of the reports you seek, please try to give some description of the kinds of reports you want. We will assume you want reports only from the department where the request is filed. If you also want a document that is at a different department, you should so indicate on the form.

Q: How much time does it take to process my request for documents?

A: Once you fill out and submit the City's public access form, you should hear from the City within one working day as to whether the City can or cannot provide you with the documents you request. If you do not receive a message about your request in one working day (24 hours), you may contact the City department where the applicable records are kept to confirm whether the records are discloseable to you. If you are making your request by letter or fax, the City has seven working days to let you know whether it can disclose the documents you request.

Q: How long will it take for me to get the records I request?

A: Although the City must let you know in one working day whether it can disclose the documents or records you request, it then has a "reasonable" time to provide the records to you. Frequently this is the next day and almost always within a week, however for very lengthy or cumbersome requests, or where the City is duplicating videos, photos, maps, computer discs, or similar items, it may take up to three (3) weeks to provide you with the materials you request. Further, some records that the City possesses may be in archives and it will take additional time to process these requests.

Q: Are there any public records which the City will not disclose to me?

A: The City is absolutely prohibited from disclosing certain types of information. This includes (among other things) information that federal or Indiana law requires to be kept confidential, records that constitute trade secrets; and financial information from a third party that the City requests confidentially.

The City is also permitted not to disclose other types of information. This information includes the work product of City attorneys; police reports where the case is open; staff or third party professional opinions sought by City officials for purposes of City decision making; diaries, journals or personal notes of City officials; personnel files and files of applicants for City employment (except for certain basic information); records prepared for or developed during discussion in an executive session of a City board or agency meeting.

This is not a full and complete list of all records which the City is permitted to keep confidential, but will give you a good idea of the type of documents that the City need not disclose.

Q: What can I expect if my request for public records is denied?

A: A reason will be given if your request is denied. It may include a cite to a section of Indiana Public Records Act, I.C. 5-14-3-1 et seq.

Q: Must the City provide me with actual copies of records which are discloseable by law?

A: The City, at its option, may compile the documents itself, or it may require that you do so, during the normal business hours of the office which has the documents after scheduling an appointment.

Q: Is there a cost for public records and when must it be paid?

A: The per page cost of public records is \$0.10 and it must be paid when you pick up the document. Where more than ten (10) pages are involved or if the record you request is not on paper you may have to pay the fee before the City begins duplicating the record. For paper records more than ten (10) pages in number, the City department will let you know the cost in advance. Some of the City's fees for other types of records are as follows:

Motor vehicle accident reports	\$5.00
Police Summary Report (a form of report which does not exist as a record prior to public request)	\$5.00
Police Department Crime Statistic Compilation (A form of report which does exist as a public record prior to public request)	\$5.00
Audio Tapes	\$10.00 per tape
Photographs:	
a. Those reproduced by the City of South Bend from its negatives.	\$1.00
b. Enlargement of Polaroid or Reproductions requiring Outside resources.	\$2.00 (plus outside costs)
Blueprints.	\$6.00 per page
Maps	\$1.00 per square foot

For a complete listing of all fees, see South Bend Municipal Code Section 2-210 (a).