

PUBLIC RECORDS

The Board of School Trustees of Bluffton-Harrison Metropolitan School District recognizes its responsibility to maintain and protect the public records of the Board and to make these records available for inspection and the purchase of copies in compliance with the Indiana Access to Public Records Act ("APRA").

The Board directs the Superintendent to assert any exemption required to protect information that must be kept confidential pursuant to I.C. 5-14-3-4(a); and the Board authorizes the Superintendent to assert any discretionary exemption to the APRA found in I.C. 5-14-3-4(b). As such, pursuant to the Family Educational Rights and Privacy Act (FERPA), the Corporation shall not disclose records which contain a student's personally identifiable information without the prior written consent of the parent or eligible student. In accordance with FERPA and Indiana Public Access Counselor Opinion, the Corporation shall not disclose information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Procedures for Request for Public Records

The Corporation may establish and maintain an electronic portal for submission of public records requests that incorporates a Completely Automated Public Turing test to tell Computers and Humans Apart (CAPTCHA) or an equivalent mechanism for ensuring that a requestor is a human, that requires verification of a requestor's physical address: that indicates to the school whether the requestor is a resident of Indiana, and that automatically tracks and reports submissions suspected to be automated or to have originated from known sources of phishing or data scraping as those terms are defined in I.C. 5-14-3-2.

A request to inspect and/or purchase copies of a public record in the custody of the Board must be made in writing and submitted on the appropriate form in person, by e-mail, facsimile, or USPS mail to the BHMSD Administration Building at 805 East Harrison Street, Bluffton, IN 46714 on a regular business day between 8:00 a.m. and 3:00 p.m. Such a request submitted outside of the regular business hours shall be received at the beginning of the next regularly scheduled workday. For a personnel file request, complete form H150-E1. For a general public records request, complete form H150-E2.

The requesting party shall be required to describe the records sought with reasonable particularity. The Corporation may request clarification if the request does not provide information which enables it to search for, locate, and retrieve the records. The Corporation shall acknowledge the request within seven (7) business days of receipt.

After the Corporation has reviewed the request, the Corporation will inform the requester in writing if the request is denied or granted. If the request is denied, the Corporation will provide the statutory citation and authority for not disclosing the record, as well as the name and title of the person responsible for the denial. If the request is granted, the Corporation will inform the Requester of the estimated fees to be paid.

The Corporation may decline to respond to a public records request if one (1) or more of the following apply:

1. The Corporation suspects the request to be data scraping or phishing activity as defined in I.C. 5-14-3-2.
2. The Corporation suspects that responding to the request electronically may expose the Corporation's electronic systems or data to unauthorized access or alteration or otherwise jeopardize the security of the Corporation's electronic systems or data.
3. The Corporation finds the request is made by a person that is a party to pending or ongoing litigation and is duplicative of a discovery request made by the person in the pending or ongoing litigation.

In such case, the Corporation shall notify the Indiana Public Access Counselor within seven (7) days of the denial and outline the reason why the Corporation has declined to respond to the request.

Whether or not the Requestor seeks copies of the requested records, the Corporation may charge a search fee for any time spent searching for records that are in an electronic format that exceeds five (5) hours. This search fee shall not exceed the lesser of:

1. the hourly rate of the person making the search; or
2. twenty dollars (\$20) per hour.

If the Requestor is a non-Indiana resident or out of state entity, the search will increase to twenty-five cents (\$0.25) per page and twenty-five dollars (\$25) per hour of staff time spent processing the request.

The Corporation may prioritize fulfilling the public records requests of Indiana residents and requests submitted for civic, journalistic, academic or personal use. Requests identified as originating from out-of-state entities or automated systems may be delayed as necessary to prevent disruption of core agency functions.

Search and/or copying fees shall be paid to the Corporation before any record is copied, disclosed, or made available for inspection. Fees may be paid by cash or money order payable to the Corporation. After receiving the fee, the Corporation shall make the requested records available within a reasonable amount of time, depending on the complexity and size of the request.

If a requester elects to review and inspect the record(s) in person, he or she will work with the Corporation in good faith to schedule a time for inspection. Records may be inspected only at the office or location where they are regularly maintained, during regular business hours, in the presence of a Corporation staff member.

The Corporation shall comply with I.C. 5-14-3-7 and shall take into account the other duties to be performed by Board employees with custody of the requested record(s) and shall not cause or permit a material interference with the regular discharge of the other functions or duties of the Corporation or its employees.

Limited Access to Requests for Lists of Persons

The Board will not create or provide copies of lists of names and addresses (including e-mail addresses) unless the Board is required by law to publish and disseminate the list to the public. However, if the Board has created a list of names and addresses of persons (excluding e-mail addresses), it will permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The Board prohibits disclosures of any records to any commercial entity for commercial purposes or to any individual or entity for political purposes. In addition, records may not be used by individuals or entities for commercial purposes or political purposes.

Fees for Purchasing Copies of Public Records

The Board establishes the following fee schedule for purchase of a copy of public records. These fees will be uniform at all purchasers.

Copies shall be prepared by a Corporation employee and provided to a requesting party upon payment of a fee which is the greater of:

- A. Ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or
- B. The actual cost of copying the document. "Actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs.
- C. Certification of document five dollars (\$5.00).
- D. The Board will charge a fee for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing a public record in the custody of the Corporation. The fee shall not exceed the sum of the:
 - i. The Corporation's direct cost of supplying the information in that form; and
 - ii. The standard cost of selling the same information to the public in the form of a publication if the Corporation has published the information and made the publication available for sale.

I.C. 5-14-3(a)

Family Educational Rights and Privacy Act (FERPA)

I.C. 5-14-3-7

I.C. 5-14-3-8

I.C. 5-14-3

I.C. 5-15-6

Indiana Public Access Counselor Opinion, March 17, 2014

Bluffton-Harrison Metropolitan School District

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