



STATE OF INDIANA

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ANALYSIS

The public policy of the APRA states that “(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” *See Indiana Code § 5-14-3-1*. The City of Bicknell is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the City’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

The one burden on the part of the public when it comes to record requests is that a seeker of documents must identify with specificity the records being sought. That specificity must be reasonable. Based on the information provided, the Complainant’s request for all 2016 daily logs and records lacks specificity. It matters not the motivation behind a request, the request must be narrowly tailored to allow an agency to search for, retrieve a particular document or set of documents. While the 2016 daily logs is a finite set of documents, it is not “reasonable” as contemplated by the law. It could be ten pages, but it could also be ten-thousand. The request lacks any discerning subject matter characteristics or details other than a catch-all data dump. This is not the purpose of the Access to Public Records Act.

That being said, the City must respond to record requests within a reasonable time. The City took two-months to deny the records when the request could have been determined to be unreasonable from the onset. Whether a deadline is self-imposed or not, – and I discourage against them – the timeline for a response must be as expedient as possible. For a record request such as this, two (2) months for a denial is unreasonable. I encourage the City to be mindful of this in the future.

Luke H. Britt

A handwritten signature in black ink, appearing to read "L. H. Britt".

Public Access Counselor

Cc: Mr. Michael Edwards, Esq.