
OPINION OF THE PUBLIC ACCESS COUNSELOR

DACIA J. MUMFORD

Complainant,

v.

WEST LAFAYETTE COMMUNITY SCHOOL CORP.,

Respondent.

Formal Complaint No.

21-FC-200

Luke H. Britt

Public Access Counselor

BRITT, opinion of the counselor:

This advisory opinion is in response to a formal complaint alleging that West Lafayette Community School Corporation violated the Access to Public Records Act.¹ Attorney Bradley Neely filed an answer on behalf of WLCSC. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on December 13, 2021.

¹ Ind. Code § 5-14-3-1-10.

BACKGROUND

In this case we consider whether the West Lafayette Community School Corporation (WLCSC) violated the Access to Public Records Act (APRA) by denying request for public records when the corporation fulfilled a similar request one month prior.

On December 2, 2021, Dacia Mumford (Complainant) filed a public records request with the WLCSC seeking the “complete board packet for school board meeting 12/6/2021.”

The next day, WLCSC, through the superintendent’s office, denied Mumford’s request. The denial stated that the board packet is not a document and is used to describe various reports, vendor opinions, recommendations, and extensive personnel files. For this reason, WLCSC denied the request and invited Mumford to specifically identify the documents that she wished to review.

After some back and forth with the superintendent’s office, Mumford filed a formal complaint on December 13, 2021, alleging WLCSC’s denial violated the Access to Public Records Act. Specifically, Mumford argues the denial is improper because the month before her request WLCSC provided responsive records to another community member, Mr. Afolabi, who made a similar request.

Moreover, Mumford cites an email sent by Mr. Afolabi to the WLCSC in which he explains that in a phone call with this office, the Public Access Counselor agreed that a request for the board meeting packet is a self-contained set of records.

On January 4, 2022, the WLCSC filed an answer to Mumford's complaint denying that it violated APRA.

First, WLCSC rejects Mumford's argument that her request and the other community member's request are the same and thus should be addressed by the WLCSC in the same manner.

Upon receiving Afolabi's request the WLCSC asked him to specifically list the documents that he wished to receive. At which point Afolabi narrowed his request, specifically seeking "documents referred to in the November 1, 2021, board meeting at "45:01 timestamp in the board meeting livestream" as well as documents referred to at the "45:12 timestamp" and the "45:38 timestamp." Based on this clarification the WLCSC was able to either provided the requested documents to Afolabi or direct him to the school website where some documents are posted digitally.

When WLCSC asked Mumford to narrow her request, it also directed her to the school website where she could view meeting minutes, accounts payable, and personnel reports in case that was some of the materials she was interested in reviewing. Since Mumford refused to narrow her request WLCSC concluded that it can deny the request because it fails to meet the reasonable particularity requirements established under APRA.

WLCSC further defends this position by asserting that Mumford's request for all information that is shared with the school board is akin to requesting the universal production of records.

ANALYSIS

1. The Access to Public Records Act

The Access to Public Records Act (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.” Ind. Code § 5-14-3-1. West Lafayette Community School Corporation (WLCSC) is a public agency for purposes of APRA; and therefore, subject to its requirements. *See* Ind. Code § 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy WLCSC’s public records during regular business hours. Ind. Code § 5-14-3-3(a).

Indeed, APRA contains mandatory exemptions and discretionary exceptions to the general rule of disclosure. *See* Ind. Code § 5-14-3-4(a) to -(b).

2. Mumford’s request and reasonable particularity

Under APRA, a request for public records must identify with reasonable particularity the records being requested. *See* Ind. Code § 5-14-3-3(a). The term “reasonable particularity” is not defined by APRA but remains a predicate for a narrowly tailored, proper request. Mumford’s request simply asked for the “board packet” from a lone identified board meeting.

To invoke the reasonable particularity provision in this context is quite puzzling. The entire purpose of a board packet is to provide board members with a succinct, finite set of documents to review and consider during an *open, public*

meeting. A significant number of boards make these available to the public at the entrance to meetings in order to follow along in the same way as an agenda.

To deny a request for a board packet from a public meeting in its entirety runs contrary to any reasonable interpretation of the access laws. Doubling down on the denial by using specificity as a cudgel is quite outside the bounds of acceptable practice.

It is true that occasionally, some materials may need to be redacted due to sensitivity of the information. But it can't be denied wholesale. Without more, WLCSC's arguments fall flat.

A board packet is self-contained, specific, complete, and succinct. Insofar as both requests are concerned, they should have been honored upon receipt.

CONCLUSION

Based on the foregoing, it is the opinion of this office that the West Lafayette Community School Corporation violated the Access to Public Records Act.

A handwritten signature in black ink, appearing to read 'LHB', is positioned above the name of the signatory.

Luke H. Britt
Public Access Counselor