
OPINION OF THE PUBLIC ACCESS COUNSELOR

JESSICA L. STAPLETON,
Complainant,

v.

MADISON COUNTY,
Respondent.

Formal Complaint No.
22-FC-62

Luke H. Britt
Public Access Counselor

BRITT, opinion of the counselor:

This advisory opinion is in response to a formal complaint alleging Madison County violated the Access to Public Records Act.¹ Attorney Jeffrey Graham filed an answer on behalf of the County. 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 April 19, 2022.

¹ Ind. Code § 5-14-3-1-10.

BACKGROUND

This case involves a dispute about whether Madison County (County) complied with the Access to Public Records Act's (APRA) reasonable time standard.

On March 16, 2022, Jessica Stapleton (Complainant), filed a public records request with the County seeking the following:

1. To view the original mylar of map that depicts county road culverts
2. Any documentation that establishes the existing right of way of a county road
3. Complaint filed for the area where the culvert was installed
4. Work order for the culvert installed
5. Any other records relating to the culvert or the area where it was installed

On the same day, Jeffrey Graham, the Madison County Attorney, wrote an email to Stapleton notifying her that the formal request had been received and would be processed.

On March 22, 2022, Stapleton sent an email to the County requesting an update on her request. No response was provided by County. Stapleton made three more attempts to receive an update through emails she sent on March 24, March 31, and April 7.

On April 11, 2022, Graham notified Stapleton that the County's general standard for fulfilling a public records request is less than thirty days from the request date. Graham

then gave an approximation that the request should be completed that week.

On April 19, 2022, Stapleton filed a complaint with this office. Stapleton had yet to acquire access to any records requested since the original March 16 request date and had not received communication since April 11.

On May 9, 2022, the County provided an official response. The County contends that because the Madison County Engineer is a one-person department and the request made by Stapleton is lengthy and complex, the standard of “reasonable time” has yet to be exhausted. The County noted that it anticipates fulfilling the request by June 17, 2022, with partial fulfillment by the end of May.

As of June 13, 2022, Stapleton reported she had not received any material.

ANALYSIS

1. The Access to Public Records Act (“APRA”)

It is the public policy of the State of Indiana that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Ind. Code § 5-14-3-1. Further, 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.” *Id.*

Madison County 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 the County'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. Reasonable time

APRA requires a public agency to provide public records to a requester within a reasonable time after receiving a request. Ind. Code § 5-14-3-3(b). Notably, APRA does not define the term "reasonable time."

The determination of what is a reasonable time for production depends on the public records requested and circumstances surrounding the request. Undoubtedly, certain types of records are easier than others to produce, review, and disclose. As a result, this office evaluates these issues case by case.

Here, Stapleton and Madison County disagree about whether the agency complied with APRA's reasonable time standard by taking nearly three months to provide the requested records. After 90 days, at the time of this writing, it has not been reported that the request has been fulfilled. The County seemingly should have had ample time to fulfill this request during the three months since the request was submitted.

CONCLUSION

Given that nearly ninety days have passed from the initial request and based on the relative simplicity of the documents sought, Madison County has exceeded a reasonable time to produce the records requested by Stapleton. As such, the County should immediately provide the records to the Complainant upon receipt of this opinion.



Luke H. Britt
Public Access Counselor

Issued: June 23, 2022