



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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December 22, 2015

Ms. Anita Rose  
5459 Hartman Road  
Richmond, Indiana 47374

*Re: Formal Complaint 15-FC-305; Alleged Violation of the Access to Public Records Act by the City of Richmond Department of Law*

Dear Ms. Rose:

This advisory opinion is in response to your formal complaint alleging the City of Richmond Department of Law ("Department") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Department has responded via the Assistant City Attorney, Ms. Kimberly Vessels, Esq. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on November 13, 2015.

## **BACKGROUND**

Your complaint dated November 12, 2015 alleges the City of Richmond Department of Law violated the Access to Public Records Act by improperly denying your record request.

On November 6, 2015 you requested "most recent minutes from Common Council Committee over Animal Welfare League Richmond Common Council." On November 9, 2015 your request was deemed as lacking reasonable particularity.

On November 20, 2015 the Department responded. The Department contends your request is not reasonably particular, because the Common Council has not met recently and you did not provide a date for the specific meeting minutes requested.

## **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 Ind.



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Code § 5-14-3-1. The City of Richmond Department of Law is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Department's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

*Reasonable particularity* is not defined under the APRA. A request is considered to be lacking reasonable particularity if the public agency cannot determine what documents are being requested. While the Department is not denying its duty to provide you the records you are requesting, it is simply asking for clarification.

While it is good the City did not outright deny your request, reasonable particularity does not mean pinpoint accuracy. It should be fairly easy for the City of Richmond to determine when the most recent public meeting of one of its governing bodies took place. It is not a random request nor is it vague. It is a concrete, finite occasion and is neither open ended nor a universal request for a broad swath of documents. It should not be an extraordinary burden for City personnel to conduct a cursory search and easily find these documents.

## CONCLUSION

Based on the foregoing, it is the determination of the Office of the Public Access Counselor the City of Richmond Department of Law has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to be "LH Britt", written in a cursive style.

**Luke H. Britt**  
Public Access Counselor



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Cc: Ms. Kimberly Vessels, Esq.