
OPINION OF THE PUBLIC ACCESS COUNSELOR

AMANDA & JASON YOCHUM,
Complainant,

v.

SOUTH GIBSON SCHOOL CORP.,
Respondent.

Formal Complaint No.
21-FC-99

Luke H. Britt
Public Access Counselor

BRITT, opinion of the counselor:

This advisory opinion is in response to a formal complaint alleging the South Gibson School Corporation violated the Access to Public Records Act.¹ Attorney J. Robert Kinkle filed an answer on behalf of school corporation. 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 July 13, 2021.

¹ Ind. Code § 5-14-3-1-10.

BACKGROUND

This case involves a dispute over access to school video footage.

On June 2, 2021, Amanda Yochum, Jason Yochum, and their son Tucker (Yochums), through attorney Jordan M. Saner, submitted a public records request to the South Gibson School Corporation (SGSC) requesting the following:

...video footage created, received, retained, or maintained by Haubstadt Community School or South Gibson School Corporation involving their son Tucker Yochum in any capacity on April 28, 2021;² [and]

...all video footage of the physical education classes supervised by Mr. Scott VanMeter on April 28, 2021.

On June 21, 2021, SGSC responded to the Yochums' request by providing a twenty second video clip of the altercation. The Yochums contend the video clip did not contain any of the events leading up to the altercation or the aftermath. They also assert that SGSC requested additional time to perform research regarding the remainder of the request, which the Yochums agreed to.

On July 6, 2021, SGSC denied the rest of the Yochums' request. In the denial, SGSC asserted that the request failed

² On April 28, 2021, Tucker Yochum was involved in an altercation with another student at Haubstadt Community School. School surveillance cameras recorded the altercation.

to identify with reasonable particularity the records they requested.

As a result, the Yochum's filed a formal complaint with this office on July 13, 2021. In essence, the Yochums argue that SGSC's denial violates the Access to Public Records Act because their request is reasonably particular. The Yochums assert that the request is limited in scope to one day and one student (their son); and thus, the request for video footage is not burdensome.

On July 30, 2021, SGSC filed an answer to the Yochums' complaint asserting its denial was appropriate under APRA. Essentially, SGSC argues the request was not reasonably particular because it would require school staff to review approximately 637.5 hours of video footage from 51 cameras in the building to fulfill the request as submitted.

The Yochums argue that SGSC is attempting to misconstrue the request in way that makes it overbroad. The Yochums contend that SGSC knows Tucker's schedule so there is no need to review footage from all 51 cameras to figure out his location that day. The Yochums also note that Tucker was only at the school for a few hours on the day in question; and thus, there is no reason to review 12 hours of footage from any camera.

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. South Gibson School Corporation (SGSC) 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 SGSC’s public records during regular business hours. Ind. Code § 5-14-3-3(a).

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

2. Reasonable particularity

The crux of this dispute is whether the Yochums’ request identifies with reasonable particularity the records they are seeking, which is required under Access to Public Records Act. *See* Ind. Code § 5-14-3-3(a)(1).

Indeed, the term reasonable particularity is not defined by APRA. The Indiana Court of Appeals observed that the reasonable particularity inquiry turns, in part, on “whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records.” *Jent v. Fort Wayne Police Dep’t*, 973 N.E.2d 30, 34 (Ind. Ct. App. 2012).

The operative part of the Yochums’ request seeks any video recordings involving their son Tucker in any capacity from April 28, 2021. SGSC argues that satisfying the request would require school staff to review nearly 638 hours of footage from 51 different cameras.

Here, based on the information provided, the request is specific enough to search for, locate, and retrieve the responsive

recordings. It concerns a specific student—whose whereabouts should generally be known based on his schedule—and a limited time frame because he was only at school for a few hours that day. Moreover, SGSC surely knows the location of the building’s surveillance cameras.

SGSC’s argument that would need to review nearly 638 hours of footage from 51 different cameras is unpersuasive. Granted, the request seeks any video recordings involving Tucker in any capacity from April 28, 2021, which under different circumstances could rise to the level of being overbroad; and thus, not reasonably particular under APRA.

That is not the case here. SGSC knows who they are looking for, where he should be, where the cameras are in the building, and a narrower than normal timeframe since Tucker was only in the building a few hours that day.

That is enough to start the search. If not, SGSC should have invited the Yochums to revise the request instead of denying it outright.

To be sure, it would be to the Yochums’ benefit to provide SGSC additional information on Tucker’s schedule and general location in the building on the day in question. Being more specific almost always helps this process.

As a final aside, it is important to note that this opinion is limited to the issue of whether the Yochums’ request is reasonably particular under APRA. To the extent that there may be other issues regarding disclosure of the records, they are not addressed here.

CONCLUSION

Based on the foregoing, it is the opinion of this office that the Yochums' request identifies with reasonable particularity the records requested under the Access to Public Records Act.

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

Luke H. Britt
Public Access Counselor