



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
JENNIFER RUBY**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

February 2, 2026

Re: Complaint 25-FC-118
David Askins (Complainant) v.
City of Bloomington (Respondent)

This advisory opinion is in response to the above-referenced complaint filed June 6, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 14, 2025, requesting a formal response by November 12, 2025. A formal response, submitted by Assistant City Attorney Taylor Brown on behalf of the Respondent, was received in this office on November 12, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide an unredacted list of names and applications of individuals applying for a public appointment by the Respondent.

ANALYSIS

The public policy of 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.” IC 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy public records during regular business hours. IC 5-14-3-3(a).

Complainant states he had requested records from Respondent that would include a copy of the applications of individuals for appointment to the Transportation Commission of the City of Bloomington. Complainant further alleges that Respondent on May 22, 2025, submitted redacted applications and cited both IC 5-14-3-4(b)(19) and IC 5-14-3-4(b)(20) as the statutory authority for redacting the information.

APRA contains exceptions-both mandatory and discretionary-to the general rule of disclosure. In particular, APRA prohibits a public agency from disclosing certain records unless access is specifically required by state or federal statute or is ordered by a court under the rules of discovery. IC 5-14-3-4(a). In addition, APRA lists other types of records that may be excepted from disclosure at the discretion of the public agency. IC 5-14-3-4(b).

Respondent initially cited an exception under IC 5-14-3-4(b)(19) that provides for redaction of information that might be threatening to public safety for various reasons. Respondent subsequently acknowledged that this cite was in error, and therefore, we do not address it here.

Respondent also cited IC 5-14-3-4(b)(20) which provides for redaction, at the discretion of the public agency, of the: 1) name; 2) address and 3) social security number of personal information of customers of the public utility. This protection is afforded those customers who have had to divulge the information when applying for utility services, amounting to a mandatory release to the public agency. The issue at hand is not the same, and therefore, the exception cited here by Respondent does not apply.

Complainant requested copies of applications that individuals had submitted to Respondent in order to be appointed to a public commission.

Per IC 5-14-3-4(b)(8):

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(8) Personnel files of public employees and files of applicants for public employment, *except for*:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency....

Personally identifiable information (PII) related to personal home address, personal email, and personal phone number is not included in the above.

While neither IC 5-14-3-4(b)(8) nor IC 5-14-3-4(b)(20) contain specific exclusions for “applicants for appointment as public officials” (Applicants for Appointment), both statutory provisions provide for the redaction of PII, therefore citing legislative protections against mandatory release of PII.

Further, IC 5-14-3-4(b)(8) does not reference Applicants for Appointment within the statutory exception. The term employment is not defined as to whether or not that would include Applicants for Appointment, yet it does reference the “files for applicants for public employment”. We believe the analogy of Applicants for Appointment is sufficiently close to the parameters of section IC 5-14-3-4(b)(8) to afford the individuals the same protection under the code.

If an applicant for the Transportation Commission of the City of Bloomington, appointment or employment, paid or unpaid, would be considered public employment or the equivalent thereof, then IC 5-14-3-4(b)(8) would apply.

The records requested were eventually considered disclosable by Respondent, at its discretion, and released to Complainant on or about October 20, 2025.

CONCLUSION

This office finds that the Respondent cited exceptions that were not applicable, however the decision to redact may have been proper given IC 5-14-3-4(b)(8), a discretionary exception. Using this discretion, Respondent has provided the records unredacted.



Jennifer G. Ruby
Public Access Counselor