



STATE OF INDIANA

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May 17, 2026

Re: Complaint 25-FC-125
Emily Hopkins (Complainant) v.
Indianapolis Housing Authority [IHA] (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed June 13, 2025.

The first Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 5, 2025. Since then, this office has repeatedly tried to connect with Respondent for better resources to respond to this complaint. We believed we had and sent the last Notice of Complaint, along with a copy of the complaint to Respondent on March 11, 2026, requesting a formal response by April 3, 2026. A follow up email on April 24, 2026, requested a formal response by May 7, 2026, for inclusion in this advisory opinion. Respondent has not responded or submitted a formal response.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records.

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.” Indiana Code (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 Respondent’s public records during regular business hours. IC 5-14-3-3(a).

Complainant filed an Access to Public Records (APRA) request on October 9, 2024, for:

- 1) The employment contract for the former IHA executive director,

- 2) Any amendments, addendums and attachments to the contract, and
- 3) Personnel records of the former executive director.

On May 15, 2025, the executive assistant to the executive director provided a denial of the request citing IC 5-14-3-4(b)(8) and stating that the contract and other personnel records were part of the personnel file and exempt from disclosure. This is not in accordance with APRA.

APRA provides that the following public records shall be excepted from disclosure at the discretion of the 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;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged....

IC 5-14-3-4(b)(8). Therefore, the information listed A to C is an exception to the exception and is public information that should be disclosed.

The requested employment contract presumably includes the name, compensation, job title, and other employee specific information. The contract likely was presented at a public meeting and approved by the board, making it a public record.

In the event, the contract included non-disclosable information, such as personal contact information or other personally identifiable information (PII), then such information should have been redacted according to IC 5-14-3-6, and the redacted copy of the contract provided to Complainant.

This would also apply to any amendments, addendums or attachments to the contract as well as the status of any formal charges or factual basis for discipline, as set forth above. Unless a mandatory or discretionary exception applies under IC 5-14-3-4, the public agency does not have discretion to withhold disclosable information.

This office has on numerous occasions concluded that employment contracts are disclosable. In *Opinion of the Public Access Counselor 99-FC-7*, the Public Access Counselor wrote:

While I agree that an employee's contract may be retained in personnel files for the purpose of the school corporation, a teacher's contract must be disclosed under IC 20-6.1-4-3.

This statement does not mean that in the absence of a specific statute mandating disclosure, a contract retained in the personnel file is subject to the exemption. Important information should not be shielded from disclosure because a record was placed in an employee's personnel file without justification or for convenience.

A contract that a public agency maintains would be a public record and is disclosable unless it is subject to an exception. There is no exception to disclosure that would apply to an employment contract. *Opinion of the Public Access Counselor 02-FC-35*.

Although Indiana courts have not construed section 4(b)(8) in the context of an employment contract, the employment contract of a public employee must be disclosed unless other applicable law makes it confidential. *Opinion of the Public Access Counselor 04-FC-238*. (Specifically addressing a request for a copy of the contract of a hospital's chief executive officer.)

Finally, that same opinion *04-FC-238* also cites an informal opinion of the Indiana Attorney General:

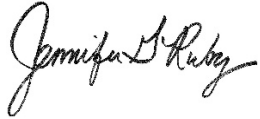
If the Public Record Law is liberally construed to implement the public policy of the state, the employment contract of any public official or employee must be made available for public inspection upon request. Such contracts contain only the terms and conditions of public employment. Voters and taxpayers are entitled to know how much public servants are paid and what duties the public servants perform.

1987 Op. Ind. Att'y Gen. No. 16. (The superintendent's employment contract was determined to be a disclosable public record notwithstanding the personnel file exception.)

This office has repeatedly determined that to allow a public agency to transition a public document from disclosable to non-disclosable simply by placing it in a personnel file would result in an unacceptable conclusion and would likely lead to abuse of APRA.

CONCLUSION

This office finds that the Respondent violated APRA as alleged in the complaint.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jennifer G. Ruby
Public Access Counselor