# STATE OF INDIANA

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February 18, 2026

Re: Complaint 25-FC-132
Pamela Frazee (Complainant) v.
Tippecanoe County Sheriff's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on June 30, 2025

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 21, 2025, requesting a formal response by November 19, 2025. A formal response, submitted by Attorney Douglas Masson of Hoffman, Luhman & Masson, PC, on behalf of Respondent, was received in this office on November 19, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide the name and version of the CAD software, RMS software and documents or reference materials describing how to search the systems.

**ANALYSIS**

The public policy of APRA states that "[p]roviding persons with the 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).

The Complainant alleges that Respondent violated APRA when it failed to respond to the record request of June 3, 2025. The records request sought the names of the two (2) software systems utilized by Respondent and the information regarding the search and retrieval of records from those systems.

Respondent states the record request was a request for information and cites *Opinion of the Public Access Counselor 11-FC-251* in which the requester of public records actually requested information as to what jobs, or titles certain individuals held, rather than records. The Public Access Counselor found that in reviewing the request, it appeared to be a request for information rather than records and therefore not subject to APRA. Here Complainant requested the names of certain software packages and not specific records. APRA covers records, not information or the answering of questions.

Complainant requested documentation and reference manuals describing how the records can be searched or retrieved from these systems. While Respondent is not required to provide information, it likewise would not be required to research the information in order to provide records that support that information, which was not identified by Respondent. Therefore, the manuals as requested, were not requested with reasonable particularity to identify those records. Providing copies of potentially proprietary manuals may have been further restricted by licensing and/or copyright provisions, which will not be discussed here.

Complainant takes exception to the time taken to respond to the record request. APRA requires a response by the public agency within seven (7) days of receipt of a written request for public of records. IC 5-14-3-9(c). Respondent states that it did acknowledge the complaint but did not respond with a denial or the information, due to reasons discussed above.

Complainant submitted her complaint on June 30, 2025, noting "Constructive Denial (27 days without further response)". At the time of the complaint's submission, the response was not untimely.

APRA does not define the term "reasonable time". This office has in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the APRA provisions. An informal benchmark this office observes for a typical response time would be thirty (30) days from the receipt of the request. *Opinion of the Public Access Counselor 20-FC-87.*

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. In those circumstances, this office considers the following factors:

(1) the size of the public agency;
(2) the size of the request;
(3) the number of pending requests;
(4) the complexity of the request; and
(5) any other operational considerations or factors that may reasonably affect the public records process.

However, as a denial noting the above appears to not have been sent until our office received the complaint response on November 19, 2025. The span of five and a half (5.5) months is untimely for receiving a denial.

**CONCLUSION**

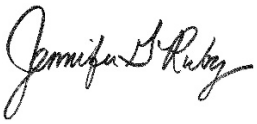
This office finds:

1) Complainant's complaint was premature (less than 30 days had lapsed) upon submission to our office under APRA;

2) Respondent subsequently violated APRA by failing to deny Complainant's request in a timely manner;

3) Respondent did not violate APRA by denying Complainant's request for information, which is not covered by APRA; and

4) Respondent did not violate APRA by denying the Complainant's request for manuals as the request was not reasonably particular.



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