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

March 17, 2026

Re: Complaint 25-FC-138
Briella LaFontaine (Complainant) v.
Indiana Department of Child Services (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed September 8, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 27, 2025, requesting a formal response by November 25, 2025. A formal response, submitted by General Counsel Joel McGormley on behalf of Respondent, was received by this office on November 25, 2025.

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

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 initial request, on May 7, 2025, for copies of records under the Access to Public Records Act (APRA). Complainant's request was filed at a local office of Respondent and not with the individual responsible for APRA requests. Complainant then filed nine (9) additional requests, according to Respondent, that were generally duplicative in nature or were inquiries for information rather than requests for records.

Respondent acknowledged the requests and on multiple occasions asked Complainant to refine its request since the requested information was not reasonably particular in order to search for those records. Respondent states that none of its responses constituted a denial but were an attempt to narrow the requested information to facilitate a search.

Complainant worked with Respondent to refine the scope of the search and eventually arrived at a reasonably particular request on July 30, 2025. Complainant took exception in the complaint with having to "reformat" its request at Respondent's insistence.

APRA requires that record requests "must identify with reasonable particularity the records being requested." Indiana Code 5-14-3-3(a)(1). The statute does not define the term "reasonable particularity".

The Indiana Court of Appeals addressed the meaning of the phrase, "reasonable particularity" in *Jent v. Fort Wayne Police Dept,* 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request "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."

This office has given guidance on the four (4) aspects of what is required to identify emails for purposes of reasonably particular record requests, which are:

1) a named sender;
2) a named recipient;
3) a reasonable time frame (e.g. six months or less) and
4) a subject matter or set of unique and connected words.

Opinion of the Public Access Counselor 23-FC-59.

In *Anderson v. Huntington County Bd. Of Commissioners*, 983 N.E.2d 613 (Ind. Ct. App. 2013), the Indiana Court of Appeals held that an identified sender and recipient of an email are necessary for a request to satisfy APRA's reasonable particularity standard.

Since neither the Complainant nor the Respondent provided copies of Complainant's records request, it is unclear how the records request of May 7, 2025, and subsequent filings lacked reasonable particularity. But, Respondent's response indicated for emails that Complainant was not following the four (4) aspects listed above, which Complainant considered "reformatting". Respondent deemed Complainant's record requests to be broad requests for information, records, and explanations.

Certain requested employee information was identified as being held by state personnel and Respondent referred Complainant to the proper agency. Some requests were statements and denied for lack of a request for a record.

However, most of the records requested were not reasonably particular. Respondent provided Complainant the opportunity to resubmit a refined request and explained the four (4) aspects needed. The result was a properly detailed and particular request, filed by Complainant on July 30, 2025.

Complainant alleges that Respondent did not respond to the record requests in a reasonable time frame.

APRA provides that if the public agency does not deny the request, within a reasonable time after the request is received by the agency the agency shall provide the requested copies to the person making the request. IC 5-14-3-3(b.

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. *Opinions of the Public Access Counselor* 20-FC-87 and 25-FC-071.

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. In viewing 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.

Opinions of the Public Access Counselor 20-FC-19 and 25-FC-071.

The time frame for consideration of timely production of the records begins July 30, 2025, when the parties agreed on the specific records request. Respondent stated that the responsive records were delivered to Complainant on November 17, 2025. At that time Respondent also denied disclosure of certain records based upon statutory exceptions. Respondent also states that many factors entered into the process between the request of July 30, 2025, and actual delivery of the records.

Respondent details that the agency:

- is one of the largest agencies in the State,
- had some 200 pending records request,
- had the requirement to identify and review all records within the search criteria,
- grade the records found as to nondisclosable confidential records, deliberative records or records that should be redacted and disclosed.

Although it was a rather small number of responsive records provided to Complainant, this does not consider the number of records that were required to be considered.

IC 5-14-3-7(a) states that *[a] public agency shall protect public records… and regulate any material interference with the regular discharge of the functions or duties of the public agency or employees.* APRA does not require a public agency to abandon routine job responsibilities to address APRA requests but does acknowledge that those requests are part of the routine job responsibilities.

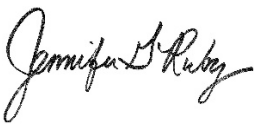
Respondent also denied disclosure of records that were confidential and that Complainant was not eligible to receive. APRA provides that certain public records are not disclosable by a public agency unless they are required by state or federal statutes or ordered by a court under the rules of discovery. Those records include records declared confidential by state statute. IC 5-14-3-4(a)(1).
Respondent denied access to records that were deemed confidential pursuant to IC 33-31-18-1 et seq.

APRA also provides that certain records can be excepted from disclosure at the discretion of the public agency. Those records include intra-agency or interagency advisory or deliberative material including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are a speculative nature, and that are communicated for the purpose of decision making. IC 5-14-3-4(b)(6). Respondent denied disclosure for materials deemed deliberative.

Finally, documents were provided that had been redacted. APRA provides that if a public record contains disclosable and non-disclosable information, the public agency shall, upon receipt of a request, separate the material that may be disclosed and make it available for inspection and copying. IC 5-14-3-6(a). Redacting information is not at the discretion of the public agency. It is mandatory under the statute.

CONCLUSION

This office finds that the Respondent did not violate APRA as alleged in the complaint.



Jennifer G. Ruby
Public Access Counselor