



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 23, 2026

Re: Complaint 25-FC-167
Kayla Coleman (Complainant) v
Jennings County Area Planning Commission (Respondent)

This advisory opinion is issued in response to a complaint dated August 8, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 16, 2025, requesting a formal response by November 14, 2025. A formal response, submitted by Executive Director Marie Shepherd on behalf of the Respondent, was received in this office on October 14, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of records because the request lacked reasonable particularity in identifying the records to be provided and production would be unreasonably burdensome.

ANALYSIS

The Access to Public Records Act (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.

The Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements of APRA. 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).

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

Claimant, on July 27, 2025, requested 1) copies of all code enforcement letters, citations, or notices issued by Respondent between the dates of January 1,

2025 and July 25, 2025; 2) a list of all court cases filed as a result of Respondent's enforcement actions during the same time period; 3) all email communications sent to or received by Executive Director Marie Shepherd using a specific email address for the same time period; and 4) a list of all complaints reported to the Respondent during the same time period. Respondent acknowledged receipt of the request the next day.

Respondent notified the Complainant on August 8, 2025, that the request had been denied under the Statute for failing to identify with reasonable particularity the records being requested as well as noting the request was quite broad and burdensome. Respondent did not invite the Complainant to narrow the request to further identify the records requested.

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."

The record request by Complainant sought broad categories of records and correspondence, which might include written letters and materials, faxes, filings and copies of email messages. Moreover, part of the records request asked for "lists" of documents rather than the documents. Respondent is not required to create lists where none exist.

Part of the request asked for "all email communications sent to or received by". While the request identified one individual and date range, it did not identify the other recipient/sender nor the topic of the correspondence.

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

- 1) a named sender;
- 2) a named recipient;
- 3) a reasonable time frame; and
- 4) a subject matter or set of unique and connected words.

Opinion of the Public Access Counselor No 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.

Finally, the Respondent references the burden that would be placed on the office in order to comply with the request. IC 5-14-3-7(a) states that [a] *public*

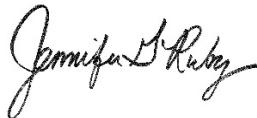
agency shall protect public records... and regulate any material interference with the regular discharge of the functions or duties of the public agency or employees. APRA does not require a public agency to abandon routine job responsibilities to address APRA requests but does acknowledge that those requests are part of the routine job responsibilities.

However, the above reference section *does not operate to deny to any person the rights secured by APRA.* An APRA request cannot be denied solely based on the public agency's determination that to fulfill the request would be a burden on the agency. The burden may result in an extended time frame for production of the records but does not support a denial.

We encourage the Complainant to work with Respondent to narrow its request so that any records fulfilling the request may be found and provided.

CONCLUSION

This office finds that Respondent did not violate APRA by failing to provide records as requested.



Jennifer G. Ruby
Public Access Counselor