



STATE OF INDIANA

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May 13, 2026

Re: Complaint 25-FC-256
Michele Camacho (Complainant) v.
Town of Syracuse (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed September 24, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 31, 2025, requesting a formal response by December 3, 2025. A formal response, submitted by Attorney Stephen Unger of Bose McKinney & Evans LLP on behalf of Respondent, was received in this office on December 2, 2025.

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 APRA request on August 27, 2025, for all emails pertaining to identified owners of the Twisted Tiki Food Truck (Truck), the Truck, any proposed food truck ordinance, the property address of the Truck, RV ordinances and non-resident vendor permits. The emails requested were to or from a list of seven (7) people, which included the Town Manager, a member of the Town Council, other named individuals and the Town’s Code Enforcement. Complainant also requested a copy of the vendor permits paid in the last two (2) years. On August 28, 2025, Complainant expanded the request

to include all records pertaining to Material Safety Data Sheets (MSDS) and grease trap training and procedures for all food establishments for the past twenty-four (24) months.

On September 24, 2025, Respondent, through its attorney, communicated to Complainant that the request lacked reasonable particularity citing court cases and advisory opinions of the Public Access Counselor. The letter to Complainant also stated that certain internal communications were considered intra-agency advisory or deliberative materials under APRA and were withheld, and that certain other records included attorney-client privileged communication, which were also withheld. However, Respondent produced the Town's Peddler's Permits for the past two (2) years, approximately 90 pages, as requested.

On September 30, 2025, Complainant resubmitted its APRA request, in an attempt to meet the reasonable particularity requirement under APRA, and included an additional request for records regarding Americans with Disability Act (ADA) compliance. On October 6, 2025, Respondent reiterated its position that the requests were not reasonably particular because they continued to request "all communications, texts and emails" from specific people without the specificity outlined in the September 24, 2025, letter, reasserted its position that certain records were excluded properly under the deliberative records and attorney-client privileged communications exceptions. Respondent also stated that it was unaware of any ADA complaints or investigations.

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

The Indiana Court of Appeals addressed the meaning of the phrase 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 record requests. The aspects 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. *Opinions of the Public Access Counselor 23-FC-59 and 25-FC-074*. 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. *Anderson* also referenced the trial court which "stated that allowing requests such as

Anderson's would permit a "fishing expedition" quoted again in *Opinion of the Public Access Counselor 13-FC-81*.

While much of the records request does not appear to meet the standard of reasonable particularity, there are portions of the request that identify the individuals on one side of the emails and code enforcement as the other party for a defined period of time including identifiable terms. Those requested emails appear to meet the standard for reasonable particularity. However, Respondent has included those emails in its determination to invoke the deliberative record exception.

Respondent stated that the emails of internal communications are subject to the APRA exception for deliberative materials, citing IC 5-14-3-4(b)(6):

Records that are intra-agency or interagency 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.

Those emails and other communications between the Town employees and departments would fall within the parameters of IC 5-14-3-4(b)(6), as long as the emails were "expressions of opinion or are a speculative nature, and that are communicated for the purpose of decision making." Respondent has asserted the exception applies as it relates to the intra-agency emails.

Respondent also claims exception for emails that are attorney-client privileged communications that are exempt from disclosure under IC 5-14-3-4(a)(1), (a)(8), (b)(2) and (b)(6). To the extent that such records were communications between client and counsel, we concur.

CONCLUSION

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



Jennifer G. Ruby
Public Access Counselor