



STATE OF INDIANA

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July 24, 2026

Re: Complaint 25-FC-290
Patrick J. Griffin (Complainant) v.
Town of St. John (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed October 10, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 28, 2025, requesting a formal response by November 26, 2025. A formal response, submitted by Attorney Joseph Svetanoff of Quintairos, Prieto, Wood & Boyer P.A. on behalf of Respondent, was received in this office on November 26, 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 a series of APRA requests on or about August 25, 2025, summarized as follows:

- 1) All emails, whether sent or received, by any current or former Town Council members as well as any Town employees or officials that included a list of seven (7) keywords covering a period from January 1, 2017 through May 31, 2025.

- 2) Any and all permits approved and issued for any developments involving Moraine Drive from January 1, 2015 through May 31, 2025, and all permits approved and issued for the Greystone subdivision.
- 3) A list of all Town employees, inspectors, or third-party contractors who conducted inspections related to footings, dirt compaction or fill, soil stability or drainage, foundations or stem walls. In Greystone subdivision, including inspection reports, inspection checklists, site notes, or relevant correspondence for the period January 1, 2016 to December 31, 2024.
- 4) Plat submission and approval process for any developments involving Moraine Drive including all soil studies geotechnical reports, or soil boring data submitted with the Primar Plat application or packet, including the names and job titles of all Town employees that signed off on any component of the soil data or geotechnical evaluation, which should include any memos, staff reports, or approval logs showing sign-offs and comments. Also include any versions of staff review checklists or plat application evaluations, any email correspondence or transmittals between Town staff and developers/engineers regarding the plat's soil data from January 1, 2016 through May 31, 2025.

The Respondent stated in its response that Complainant's requests were denied based on the requests lacking reasonable particularity.

APRA provides that a request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

IC 5-14-3-3(a).

The requests sought massive amounts of records for expansive time periods including the phrases "any" and "all" records of generic types. The request also sought information regarding approval processes rather than records.

Respondent argues that the request is not particular enough to facilitate a search.

Such language as "all contracts and agreements for multiple years" is generally not considered a reasonably particular request. *Opinion of the Public Access Counselor 22-FC-71*.

APRA is for pre-existing records. APRA does not require the public agency to create lists or lists of records or reformat the information for the requestor. *Opinions of the Public Access Counselor 25-FC-136 & 25-FC-167.*

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.”

When considering requests for emails this office has given guidance on the four (4) aspects of what is required to identify emails for purposes of record requests under the particularity provisions. *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.*

Respondent also cited the state record retention schedules applicable to the requested records which are found at the Indiana Archives and Records Administration (IARA). The General Records Retention and Disposition Schedule for all County/Local units (General Retention Schedule) applies to the requested records. https://www.in.gov/iara/divisions/records-management/countylocal-records-management/#tab-999582-3-Retention_Schedule_Basics.

Under the General Retention Schedule many of the records requested would fall within the General Files category and could be destroyed after three (3) years, including most emails. The APRA request sought records representing seven and a half (7.5) and nine and a half (9.5) years of information. Even if the records could be identified, it is likely that many of the records would not exist covering the requested periods.

Based on the above, it appears that Complainant's APRA request lacked reasonable particularity as well as an understanding of IARA record retention schedules. We encourage public agencies to work with requestors to narrow their searches and improve the particularity of their requests. We discourage denial based on reasonable particularity. Complainant may consider revising its request with this in mind and resubmitting its request.

Complainant also stated that Respondent "took an unreasonable amount of time, close to 45 days to deny my request." If the public agency does not deny the request, within a reasonable time after the request is received by agency the public agency shall either:

- (1) Provide the requested copies to the person making the request; or*
- (2) Allow the person to make copies:*
 - (A) on the agency's equipment; or*
 - (B) on the person's own equipment.*

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. *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.*

Opinion of the Public Access Counselor 25-FC-034.

According to Respondent, it "acknowledged the request on September 3, 2025 and stated it would take at least forty-five (45) days to evaluate and investigate the public records request." The acknowledgement letter dated September 3, 2025 does state they will respond to the records request "within forty-five (45) days of this correspondence". The denial letter was dated October 10, 2025. It appears that approximately thirty-seven (37) calendar days lapsed from acknowledgement to denial, which is within the forty-five (45) days given for review and response.

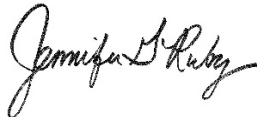
Due to the size and complexity of Complainant's request, Respondent's time for review and response seems reasonable.

CONCLUSION

This office finds that the Respondent did not violate APRA because:

- 1) Complainant's APRA requests lacked reasonable particularity, and
- 2) Respondent's time to respond was not unreasonable, due to the size and complexity of Complainant's APRA request.

However, this office discourages outright denial based on reasonable particularity. Instead, we prefer to see the public agency encourage the requestor narrow its request to meet reasonable particularity so that the records which can be disclosed are disclosed.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer G. Ruby
Public Access Counselor