



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

July 31, 2026

Re: Complaint 25-FC-300
Amy L. Ullrick (Complainant) v.
Starke County Clerk (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed June 4, 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 was not submitted to this office despite the initial Notice of Complaint, a follow-up and a re-send of the Notice of Complaint.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by requiring records requests to be submitted on a form only available in person at the office.

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 beginning on September 19, 2023, by email. After receiving no response Complainant emailed the Respondent on May 7, 2024, to request the records. On May 7, 2024, Respondent did contact Complainant to inform her that the APRA request form could be picked up at the counter in Respondent’s office. On May 8, 2024, Complainant replied:

I will not be able to come to the office in person as I am a resident of North Carolina. Would you email me the form and I can fill it out and send it

back to you (via regular mail or scanned copy)? If the campaign finance records are stored electronically, emailing the electronic files would work for me.

After a long delay, Complainant emailed the Respondent again on November 17, 2024, as follows:

I didn't want to bother your office in advance of the election but I wanted to follow up with you on my records request. Would you be able to email me the required request form?

Again, on April 22, 2025, Complainant emailed requesting that she be emailed the form so that she may complete it and properly request the documents. Respondent replied on April 28, 2025:

All our forms can be requested at our counter filling out the proper form.

The issue before this office does not concern the subject matter of the complaint or timeliness of a response or even the requirement of a form. The sole issue is whether Respondent may require Complainant to show up in person to accept the required form which appears to be only available at the front desk of the agency's office.

APRA provides that a request for inspection or copying of public records 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).

This office has held numerous times that APRA requests must be submitted on the form required by the public agency. Complainant does not contest that issue, only that the form is not available except in person at the agency's office.

APRA allows public agencies to have discretion over the method by which they have requesters submit their public records requests. IC 5-14-3(a)(2). So long as these methods are accessible to the public and uniform amongst all requesters, this is standard and compliant. *Opinion of the Public Access Counselor 24-FC-36.*

The public policy of APRA also includes that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who govern them". IC 5-14-3-1. If continues to say:

This chapter shall be liberally construed to implement this policy and place the burden of proof for the nondisclosure of a public record on the public agency that would deny access to the record and not on the person seeking to inspect and copy the record.

In this age of electronic communication, it is difficult to understand why a public agency or official would require physical presence to accept and complete a form request for public records. Not providing a copy of the record request form by postal mail, fax or email undermines the intent of APRA. This office did not receive a formal response by Respondent; therefore, the purpose of this restrictive policy is unclear.

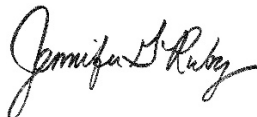
APRA provides that if a public record is in an electronic format a public agency shall provide an electronic copy or a paper copy of a public record, at the option of the person making the request for the public record. This subsection does not require a public agency to change the format of a public record. IC 5-14-3-3(j).

If the APRA request form is in electronic form, then it should have been emailed to Complainant. It is likely that the form was created electronically. However, if it was only available in paper form, it should have been copied and mailed to Complainant. However, the paper form could also easily have been scanned and emailed to Complainant.

Respondent is the steward of public records which were rendered inaccessible to Complainant. Therefore, Respondent's policy does not comply with APRA.

CONCLUSION

This office finds that the Respondent violated APRA as alleged in the complaint.

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