



STATE OF INDIANA

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August 4, 2026

Re: Complaint 25-FC-304
Andrew-John: O'Shea (Complainant) v.
Howard County (Respondent)

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

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 24, 2025, requesting a formal response by November 24, 2025. A formal response, submitted by Alan Wilson, County Attorney on behalf of Respondent, was received by this office on January 15, 2026.

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 Access to Public Records (APRA) request on August 10, 2025, seeking copies of records dealing with two (2) child support cases as follows:

- 1) Records evidencing assignment, sale, monetization, or transfer of child support streams;
- 2) Any related CUSIP or securities identifiers;
- 3) Ledger and accounting entries;
- 4) Title IV-D agreements; and

5) Trust or escrow accounts.

Complainant filed a second APRA request on August 28, 2025, seeking all collective bargaining agreements, employment contracts, memoranda of understanding, amendments, side agreements, or related instruments that apply to govern or affect the judges in the two (2) cases in which Complainant was a party.

Respondent acknowledged both APRA requests in a timely manner. Respondent filed a formal response with this office in which it stated that Respondent does not have any responsive records to requests numbered 1, 2, 4, and 5 above, and is not required to create records. Respondent also cites lack of reasonable particularity in denying Complainant's request number 3. Respondent stated that it was unclear and the County was unable to determine what was being requested under number 3. Respondent did refer Complainant to the Title IV-D office in the event the request was for a record of child support payments.

Respondent also addressed the APRA request of August 28, 2025, on August 29, 2025. Respondent stated it had no responsive records. Respondent stated that the judges were in fact employees of the State of Indiana and not Howard County. Complainant was referred to the State Office of Judicial Administration and/or the State Office of Personnel & Operations for the requested information.

This office, in numerous *Opinions of the Public Access Counselor* (03-FC-146, 05-FC-25, 10-FC-086, and 12-FC-328) has taken the position that are public agencies are not required to produce records that do not exist or create records they do not currently have in order to fulfill an APRA request. If Respondent provided all the records responsive to Complainant's request, then the records request has been fulfilled.

Respondent may refer Complainant to other potential resources for obtaining these documents, but such a referral is not required under APRA. *Opinion of the Public Access Counselor 25-FC-002B*.

Respondent contends that the request for "ledger and accounting entries" lacks reasonable particularity. 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". *Opinion of the Public Access Counselor 25-FC-131*.

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.”

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*.

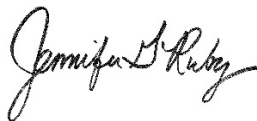
Complainant may choose to narrow his request or define the records in a manner for the County to be able to search and find the requested records, then resubmit his request.

It also appears that Respondent may not hold the requested records, so certain parts of the APRA request were directed to other agencies. Respondent cannot, and is not required to, respond on their behalf.

CONCLUSION

This office finds that the Respondent did not violate APRA by failing to provide records it did not have.

Further, Respondent attempted to work with Complainant to create reasonable particularity where it was lacking. Complainant is encouraged to work with Respondent to narrow his request.



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