



STATE OF INDIANA

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August 5, 2026

Re: Complaint 25-FC-321
Jennifer L. Goetz (Complainant) v.
Avon Community School Corporation (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed October 20, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 7, 2025, requesting a formal response by December 9, 2025. A formal response, submitted by Attorney Shyann Boyer of Church Church Hittle + Antrim, 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 a request for records on September 15, 2025. The requested records were:

- 1) All communications (including but not limited to emails, text messages, written correspondence, memoranda, and recorded conversations) concerning the specified Goetz children, by or including any of the following six specifically identified individuals from March 4, 2024 to present.

Please note that some emails I have received in the past refer to me, but use a generic term like “parent” instead of my name, so simply doing a word search for names may not be sufficient.

- 2) All special education settlements, agreements, and related documentation executed by Avon School Corporation or any school within Avon School Corporation within the last two (2) years.
- 3) All invoices, bills and payment records for attorney fees related to the Goetz children and/or parents including but not limited to legal representation, consultation and litigation expenses.
- 4) All invoices, bills and payment records for attorney fees specifically related to the hearing conducted on July 17 and 29, 2025.
- 5) All records of overtime pay, additional compensation, or extra duty pay provided to any school district employee in connection with the hearing conducted on July 17 and 29, 2025.
- 6) All records or forms disclosing disabilities, any invoices, bills, and/or payment records involving submissions to Medicaid for claims school services related to any disability for the specified Goetz children.

Respondent acknowledged the request on September 15, 2025, and provided Complainant with a copy of Respondent’s School Policy 1700 and associated Administrative Guidelines and relayed that the school was evaluating the request.

Respondent replied on October 13, 2025, producing some responsive records, stating that some records did not exist, asserting that emails between Respondent employees and legal counsel were protected by attorney-client privilege and determining that much of the request lacked reasonable particularity. Respondent requested that Complainant narrow her requests and identified how it would need to be narrowed.

Complainant takes exception to Respondent’s claim that her request lacked reasonable particularity, as well as to Respondent’s time frame for response and release of documents.

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”. Reasonable particularity is not defined by statute.

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.

While prior opinions of this office have sometimes referenced six (6) months as a reasonable time frame, it is noted that under the County/Local General Retention Schedule (GEN) of the Indiana Archives and Records Administration, general email retention under GEN 10-04 General Files allows for destruction of emails after three (3) years.

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 alleges that Complainant failed to provide the specific information necessary to effectively search for records. There is no mention from either party that Complainant attempted to narrow the record request.

In *Opinion of the Public Access Counselor 22-FC-71*, a records request was made of the Town of Upland for multiple years of vendor claims, ordinances, resolutions, contracts and or agreements, surety bond information and contracts for legal services. Some records were readily identifiable and easily disclosed but others were not. Where records are at least partially identifiable, those records should be produced rather than declare the entire request as lacking reasonable particularity.

As previously noted, Respondent did suggest that Complainant narrow the request to afford Respondent the opportunity to search for the records.

This office has opined in *Opinion of the Public Access Counselor 22-FC-71* that “[r]equiring reasonable particularity relieves a public agency from the

guesswork of having to anticipate exactly what a requester is seeking.” The Opinion goes on to say, “[a]ll contracts and agreements for multiple years is also not a reasonably particular request.” Also *Opinion of the Public Access Counselor 25-FC-112*.

Complainant suggests that the legal invoices, consultation and litigation records may be referenced by a client number in the Respondent’s system and therefore readily searchable. In the case that such files are maintained by a searchable reference number, those records should be produced, subject to redaction for attorney-client privilege restrictions.

Complainant also alleges that Respondent did not respond to the record requests in a reasonable time frame.

APRA provides that if the public agency does not deny the request, within a reasonable time after the request is received by the agency the agency shall provide the requested copies to the person making the request. 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.

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.

Respondent took twenty-eight (28) days to respond to Complainant's records request. This was not unreasonable given the nature and complexity of the request.

CONCLUSION

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

Complainant should consider revising her complaint as discussed in this opinion and resubmit it to meet reasonable particularity requirement under APRA.

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

Jennifer G. Ruby
Public Access Counselor