



STATE OF INDIANA

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July 31, 2026

Re: Complaint 25-FC-362
Kale Grindle (Complainant) v.
Town of Sweetser (Respondent)

This advisory opinion is issued in response to a complaint dated November 13, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 14, 2025, requesting a formal response by December 16, 2025. A formal response, submitted by Michael Hotz of Hotz Law Firm on behalf of Respondent, was received in this office on December 16, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide the locations of Flock license plate readers.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with the 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).

APRA contains exceptions-both mandatory and discretionary to the general rule of disclosure. APRA prohibits a public agency from disclosing certain records unless access is specifically required by state or federal statute or is ordered by a court under the rules of discovery. IC 5-14-3-4(a). In addition, APRA lists other types of records that may be excepted from disclosure at the discretion of the public agency. IC 5-14-3-4(b).

The complaint states that Complainant requested, on September 25, 2025, records from Respondent regarding the Respondent's Flock camera system. The records requested were:

- 1) A map and/or exact locations of all Flock license plate reader cameras installed under the direction of the Town of Sweetser, police department and/or Sweetser Town Board;
- 2) The cost of each Flock camera and/or the cost of the entire project, including any fees or subscriptions.

Respondent provided the agreement between Flock camera and Respondent and then claimed exceptions under APRA to deny providing information regarding the location of the Flock cameras. The exceptions to disclosure as invoked by the Respondent were:

- 1) Investigatory Records Exemption IC 5-14-3-4(b)(1).
- 2) Records Containing trade secret IC 5-14-3-4(a)(4).
- 3) Exemptions at Discretion of Public Agency IC 5-14-3-4(b)(1).
- 4) Administrative or Technical Information Exemption IC 5-14-3-4(b)(10).
- 5) Computer Systems entrusted by a Public Agency Exemption IC 5-14-3-4(b)(11).
- 6) Security and Safety Exemption IC 5-14-3-4(b)(19).

We will discuss each exception/exemption individually as it applies to the requested records. It is important to note that the APRA request sought a map and/or exact locations of the Flock License Plate Reader (LPR) cameras. Respondent did not state whether or not a map existed, a document which would constitute a public record. Other than the map, the other part of the request was for information rather than a record and would not fall under the APRA provisions.

1) Investigatory Records Exception

A law enforcement agency has discretion under the investigatory records exception to decide on whether to disclose the records or not. The caveat is that where public records contain disclosable and nondisclosable information, the public agency shall, upon receipt of a request for public records, separate the material that may be disclosed and make it available for inspection and copying. IC 5-14-3-6(a).

The term investigatory record is defined as "information compiled in the course of the investigation of a crime." IC 5-14-3-2(i).

It is arguable that a record sought using the Flock camera system and had been searched or compiled in the investigation of a crime would meet the

requirements for the investigatory records exception. That would apply on a record-by-record basis. Here, the Respondent attempts to withhold a map from disclosure based upon the exception and/or the locations of the LPRs, which, in either case, are not solely relevant to an investigation of a crime. We do not find the exception applicable.

2) Records Containing Trade Secrets

Respondent argues that the exception to disclosure for trade secrets is applicable, even though it does not elaborate. Per IC 5-14-3-2(v):

"Trade secret" has the meaning set forth in [IC 24-2-3-2](#).

Under Title 24. Trade Regulation, IC 24-2-3-2:

"Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Trade secrets are further addressed under APRA at IC 5-14-3-4(a)(4):

(a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery: ...

(4) Records containing trade secrets.

The public record being requested here is a map of the locations of the Flock cameras. Although trade secret was given as a reason, there was no explanation or justification given related to it in the denial to Complainant. Respondent did not list it as legal basis for denial in its formal response to this office. We do not find the exception applicable.

3) Exemptions at Discretion of the Public Agency

Respondent asserts IC 5-14-3-4(b)(1) as a discretionary option for the public agency to deny disclosure. That specific APRA code cite provides for the

investigatory records exception as discussed above. Again, we do not find the exception applicable.

4) Administrative and Technical Information Exemption

Respondent asserts, as authority to deny disclosure of the camera locations, information regarding a security system. Respondents cites IC 5-14-3-4(b)(10):

(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system or security system.

APRA does not define security system.

Respondent goes on to state:

Revealing the specific location of surveillance equipment would compromise the effectiveness of law enforcement operations and potentially endanger public safety or contribute or facilitate acts of terrorism.

LPRs are designed to record license plates from moving vehicles at specific locations. The LPRs are part of an overall system for law enforcement surveillance to assist in identifying and tracking actual or suspected violators or criminals. The LPRs are widely distributed and may or may not be readily detectable. The clandestine nature of the location and lack of visibility of the camera are part of the successful application of the overall system. Camera locations are significant to the effectiveness of the system, or the ability to avoid it.

The concern or speculation that future actions might jeopardize the security system are addressed by the court:

In City of Elkhart v. Agenda: Open Government, 683 N.E.2d 622 (1997) transfer den. 698 N.E.2d 1184 (Ind. 1998), The Indiana Court of Appeals reviewed a case in which the City had claimed Indiana Code section 5-14-3-4(b)(10) as authority for the nondisclosure of 1993 cellular telephone bills for the mayor and other City department heads. City officials denied Agenda: Open Government access because they believed that, with respect to an earlier public records request for similar information, the requestor had misused the E-911 system to discover the origin of the telephone numbers listed in the cellular telephone records.

The Court determined that the E-911 system did constitute a "record keeping or security system" under the APRA. The Court found that "[s]ection 4(b)(10) provides a discretionary exception for public records

containing a 'type' of information due to its nature and not because a speculated 'use' of the information would jeopardize a record keeping or security system." The real question, therefore, according to the Court was whether the telephone numbers constituted "administrative" or "technical" information the disclosure of which would jeopardize that E-911 system. The Court determined that Indiana Code section 5-14-3-4(b)(10) provides an exemption for a type of information and not for the use of the information.

Opinion of the Public Access Counselor 05-FC-38.

The location of LPRs within the security system is the "type" of information relevant to the current structure of the system, not speculation for future attack.

Opinion of the Public Access Counselor 08-FC-58 addressed a complaint that the Branchville Correctional Facility violated APRA by not disclosing videos taken by the security system.

The Facility claims the videotape recordings of the Facility are exempt from disclosure because they would disclose where and how the cameras are positioned. Pursuant to I.C. § 5-14-3-4(b)(10), records which contain administrative or technical information that would jeopardize a record keeping or security system are excepted from disclosure. Because the public policy of the APRA requires liberal construction in favor of disclosure (See I.C. § 5-14-3-1), exemptions to disclosure must be construed narrowly. *Robinson v. Indiana University*, 659 N.E.2d 153, 156 (Ind. Ct. App. 1995). But a liberal construction of the APRA does not mean the exemptions set forth by the General Assembly should be contravened. *Hetzel v. Thomas*, 516 N.E.2d 103, 106 (Ind. Ct. App. 1987).
...

From information such as the camera angles, an offender may determine from the videotape where they can hide from camera detection, and from that information avoid monitoring and commit infractions or offenses against corrections personnel and other inmates. The videotape may also reveal the operational times and operation status of specific cameras. In my opinion, such information relating to the administration of the security system would, if disclosed, jeopardize the security system and render the security provided by the cameras non-existent. *Id.*

Here, the issue is nearly identical. For the reasons provided by Counselor Hurst in the previously cited opinion, I agree that disclosure of the surveillance video maintained by the Facility could jeopardize the security system at the Facility.

Opinions of the Public Access Counselor 03-FC126 and 08-FC-58.

This office addressed a similar scenario where the media requested locations of ShotSpotter equipment from the South Bend Police Department (SBPD).

Opinion of the Public Access Counselor 16-FC-243 determined that the ShotSpotter system was a system for monitoring or surveillance rather than a traditional security system. We may agree ShotSpotter does not fit the description of a “traditional” security system, we believe the LPR system can be distinguished. ShotSpotter is designed to record sounds, intended to include gunshots, but does not record individuals or circumstances surrounding the event. It simply gives law enforcement a “ping” on the system that something took place. LPRs are designed to surveil and record specific vehicles at specific times much the same as a traditional security system, which would surveil a hallway or entrance to a building.

Opinion 16-FC-243 goes on to state that if a report existed that listed the locations of the ShotSpotter equipment, then that report should be produced. The determination in that opinion is that the ShotSpotter system was not a security system for purposes of IC 5-14-3-4(b)(10).

Respondent has, in its discretion, determined that the LPRs are a part of a security system for which they have elected to not disclose the locations of the cameras, for the security of the general public. We find the exception applicable.

5) Computer Systems Entrusted to a Public Agency Exemption

APRA provides that under certain circumstances public record disclosure is subject to the discretion of the public agency. Respondent invoked the discretionary exception IC 5-14-3-4(b)(11) which provides:

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

...

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

The APRA requested record did not seek computer programs, codes or other information regarding the process and methods used by the manufacturer of Flock cameras or Respondent’s police department. Complainant requested a map. While section 4(b)(11) references a map as being subject to nondisclosure,

the map referred to in (b)(11) limits the application to a map entrusted to a public agency by a utility. It is not defined as to whether the utility is public or private but in either case it would appear to be for the protection of critical infrastructure details and locations. We do not find the exception applicable.

6) Security and Safety Exemption

Respondent then cites an exception for discretionary withholding of a public record under IC 5-14-3-4(b)(19), which provides:

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

- (A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under [IC 35-47-12-1](#) (before its repeal), an act of agricultural terrorism under [IC 35-47-12-2](#) (before its repeal), or a felony terrorist offense (as defined in [IC 35-50-2-18](#)).*
- (B) Vulnerability assessments.*
- (C) Risk planning documents.*
- (D) Needs assessments.*
- (E) Threat assessments.*
- (F) Intelligence assessments.*
- (G) Domestic preparedness strategies.*
- (H) The location of community drinking water wells and surface water intakes.*
- (I) The emergency contact information of emergency responders and volunteers.*
- (J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.*
- (K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in [IC 8-21-1-1](#)) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:*

(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.

(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under [IC 5-14-3-4\(b\)\(19\)\(J\)](#) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under [IC 5-14-3-4\(b\)\(19\)\(K\)](#) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

- (i) emergency management worker (as defined in [IC 10-14-3-3](#));
- (ii) public safety officer (as defined in [IC 35-47-4.5-3](#));
- (iii) emergency medical responder (as defined in [IC 16-18-2-109.8](#)); or
- (iv) advanced emergency medical technician (as defined in [IC 16-18-2-6.5](#)).

(M) Information relating to security measures or precautions used to secure the statewide 911 system under [IC 36-8-16.7](#).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under [IC 35-47-12-1](#) (before its repeal), an act of agricultural terrorism under [IC 35-47-12-2](#) (before its repeal), or a felony terrorist offense (as defined in [IC 35-50-2-18](#)) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

The Madison County Sheriff's Department (MCSD), in a previous complaint before this office, denied a request for copies of law enforcement recordings taken within the jail during a specific time frame. MCSD raised the exception under section 4(b)(19). This office determined that this subsection is solely concerned with vulnerability to terrorist attacks, which is not a catch all public safety term. Terrorism is expressly defined in IC 35-46.5-2-1 by predicating acts on the use of weapons of mass destruction. It is unlikely that the release of the records, without more, would invite the types of terrorist attacks contemplated by the Indiana General Assembly. *Opinion of the Public Access Counselor 21-FC-104.*

The APRA request here did not seek the level of detailed assessments or critical response, emergency preparedness or emergency response protocols contemplated by the statute. The location of the various LPRs does not rise to the level of anti-terrorism preparedness as set forth above. Therefore, we do not find the exception applicable.

However, it is not unreasonable to conclude in the event of such an attack that the terrorist actors would benefit from the destruction or disabling of the LPRs to avoid detection.

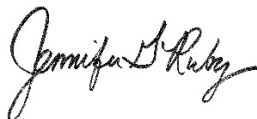
Respondent was asked to confirm whether or not a map exists. At this time, Respondent has not been able to locate a map and therefore could have denied the request based upon the position. Respondent is not required to create records under a public record request where those records did not exist and is not required to produce a record it does not have. *Opinions of the Public Access Counselor 06-FC-196, 15-FC-79, & 25-FC-136.*

However, should a map exist and the Complainant disagrees with the exceptions invoked by the Respondent, the Complainant may file an action in the circuit or superior court of the county in which the denial occurred to compel the public agency to permit the person to inspect and copy the public record. IC 5-14-3-9(e).

CONCLUSION

Although Respondent cited many exceptions in both its denial to Complainant and its response to this office, this office only finds one exception applicable.

This office finds Respondent did not violate APRA by failing to provide records which were determined by the public agency to be subject to IC 5-14-3-4(b)(10), a discretionary exception.



Jennifer G. Ruby
Public Access Counselor