



STATE OF INDIANA

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August 13, 2026

Re: Complaint 25-FC-365
Sanjiv H. Neal (Complainant) v.
Indianapolis Fire Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaints filed November 14, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent Indianapolis Fire Department on November 14, 2025, requesting a formal response by December 16, 2025. A formal response, submitted by Adam C. Wicker, Deputy Chief Counsel with the Office of Corporation Counsel on behalf of Respondent Indianapolis Fire Department, was received in this office on December 15, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by constructively denying the request, failing to respond in a reasonable period of time, and improperly withholding certain 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(s). 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 on October 6, 2025, seeking a wide swath of information regarding the Complainant’s former employment with Respondent. Complainant filed his formal complaint on or about November 14, 2025, approximately thirty-five (35) days after mailing the APRA request alleging that Respondent’s “delay is not reasonable and constitutes a constructive denial”.

When a requestor does not receive an acknowledgement within the appropriate time period, here 7 days, a constructive denial has occurred. IC 5-14-3-4.4(c)(1) and *Opinion of the Public Access Counselor 25-FC-096*. Respondent entered the

request and acknowledged it on October 9, 2025, which was three (3) days after it was mailed. No constructive denial occurred.

APRA provides that a public agency may not deny or interfere with the exercise of the right stated in IC 5-14-3-3(a). 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.

Respondent Indianapolis Fire Department's response argues all factors are implicated and weigh in favor of a finding that APRA was not violated. It specifically points out that over 1,200 responsive documents have been reviewed and disclosed as it determined was lawful as of December 15, 2025.

In that response, Respondent also cited statutory exceptions for information redacted or withheld and stated that there may be additional records that could be responsive to his request however his request lacked reasonable particularity and invited Complainant to improve this.

APRA provides that "any person may inspect and copy the public records of any public agency during regular business hours of the agency, except as provided in section 4 of this chapter. 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 or on a form provided by the agency.”

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

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.”

This office has given guidance on the four (4) aspects of what is required to identify emails for purposes of record requests. 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.

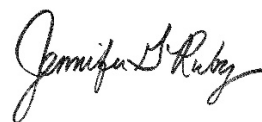
Opinions of the Public Access Counselor 23-FC-59 and 25-FC-074.

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*.

Complainant made his request on October 6, 2025, then Respondent produced and explained the response on or about December 15, 2025, just over two (2) months later. Because of the large volume of documents, its complexity, and the demands on the legal department of a public agency as large as the Respondent, two (2) months is not unreasonable.

CONCLUSION

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



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