



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 30, 2026

Re: Complaint 25-FC-369
Eric B. Knox (Complainant) v.
Indiana Attorney General (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed November 19, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on December 5, 2025, requesting a formal response by January 6, 2026. A formal response, submitted by Joby Jerrells, Chief Counsel, Advisory Division, was received on January 6, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide 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).

On November 11, 2025, Complainant requested an electronic copy of a letter dated October 24, 2025. Complainant already had a paper copy, but he was traveling and did not have the paper copy with him, which is why he requested the electronic copy. Respondent received the request. As there had been several emails with Complainant, and this request was among them, it had not been considered an APRA request.

Technically, 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*.

Complainant then must file a complaint to this office within 30 days of the alleged violation or denial, or the complaint is barred. IC 5-14-5-7. Complainant filed a complaint with this office on November 19, 2025.

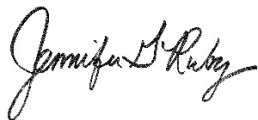
Respondent failed to respond to Complainant's APRA request until November 24, 2025, when it provided Complainant with the electronic copy of the record requested. Respondent acknowledges the delay and its original misunderstanding that this was an APRA request.

While the result of not acknowledging the APRA request was a constructive denial, the fact that Complainant was provided the record on November 24, 2025, did not constitute an unreasonable delay.

CONCLUSION

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

However, Respondent's failure to acknowledge the complaint resulted in a constructive denial, which allowed Complainant to file this complaint.

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