



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

August 14, 2026

Re: Complaint 25-FC-403
Sanjiv H. Neal (Complainant) v.
Indiana Public Retirement System (Respondent)

This advisory opinion is issued in response to the above-referenced complaints filed December 9, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on February 18, 2026, requesting a formal response by March 18, 2026. A formal response, submitted by Allyse E. Wirkkala, Senior Benefits Attorney on behalf of Respondent, was received in this office on March 17, 2026.

The complaints allege that Respondent violated the Access to Public Records Act (APRA) by denying his APRA request, failing to respond in a reasonable period of time improperly withholding certain records without a valid basis in law to do so, and several non-public access claims. The claims unrelated to public access, including issues related to pension or disability eligibility, are outside the jurisdiction of this office and will not be addressed.

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 submitted his APRA request to Respondent on November 26, 2025, deemed the request denied on December 3, 2025, and submitted a formal complaint to this office on December 9, 2025.

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 his complaint on December 9, 2025. When it was forwarded to Respondent on February 18, 2026, Respondent reviewed the complaint and the request, then responded to both on March 17, 2026.

At this point, there appear to be three (3) issues that can be discussed:

- 1) Complainant's request was constructively denied, which allows for the filing of this complaint, but statutorily closes this matter as denied. The question then becomes: was the denial proper?
- 2) Respondent argues that Complainant did not actually submit an APRA request before his complaint. Complainant sent an email to Respondent on November 26, 2025. Respondent only accepts records request by its online portal, which if Complainant was not aware prior became aware on or about January 2, 2026, when Respondent directed Complainant to submit an APRA request through its portal on another request.

IC 5-14-3-3(a)(2) states:

Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

...

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

This office has found that public agencies are allowed to create and use forms for APRA requests. This office gives deference to the public agencies in creating the forms for its APRA request process. *Opinion of the Public Access Counselor 25-FC-133*.

- 3) In an email response to this office on February 24, 2026, Respondent stated:

Though it invoked APRA, Mr. Neal's request targeted his personal member file, deliberative conversations between INPRS employees and other agencies, notes and impressions written by INPRS

employees and contractors, legal opinions, other members' confidential information, and volumes of metadata and other information beyond the definition of "public documents" subject to APRA requests. See IC 5-14-3-4. As for his member file, Mr. Neal is entitled to receive a copy without invoking ARPA.

Our position is that Mr. Neal's APRA request was unnecessary as to his member file and inappropriate as to the other requested documents and data.

INPRS is working to assemble Mr. Neal's member file and related disclosable documents, which we will provide to Mr. Neal as soon as possible.

In its formal response to this Office on March 17, 2026, it further stated:

Despite Mr. Neal's assertion that his November 26, 2025 email inquiry served as an APRA request, INPRS determined that this request, which is the subject of his Complaint, was an inquiry for his member record, which is not subject to disclosure under APRA. Accordingly, INPRS did not process Mr. Neal's request as an APRA request. Nevertheless, INPRS has responded to his member record inquiry ...

Based on this information, INPRS considers the matters raised in Mr. Neal's Complaint and in his inquiry dated November 26, 2025 to have been addressed.

Mr. Neal's response was constructively denied. His request was not submitted properly as an APRA request, but it also would have been denied as an APRA request because the above listed exemptions would apply prohibiting the release of information.

However, as of March 17, 2026, his member file, which did not need an APRA request, was released to him. It appears that anything that was not released to him, would be excepted from APRA under one or more of the provisions of IC 5-14-3-4 as discussed in either of Respondent's responses as above.

Lastly, we should address whether or not the timeframe of response was reasonable. 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.

Here the request was made on November 26, 2025, and the response was received on March 17, 2026. The time lapsed was approximately three and a half (3.5) months for a large breadth of material, requiring clarification of the type of request as well as legal review before disclosure, during a busy holiday season. The time frame was not unreasonable.

CONCLUSION

This office finds that Respondents did not violate APRA by constructively denying Complainant's request and not processing the request as APRA to fulfill it. Additionally, Respondent has explained the valid exceptions to disclosure in its responses.



Jennifer G. Ruby
Public Access Counselor