



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

September 4, 2026

Re: Complaint 25-FC-474
Brian K. Foreman (Complainant) v.
Indiana State Police (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed December 30, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on July 28, 2026, requesting a formal response by August 25, 2026. A formal response, submitted by Legal Counsel Jeff Pitts on behalf of Respondent, was received in this office on September 2, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records in a timely manner.

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 initial request, on November 25, 2025, for copies of records under the Access to Public Records Act (APRA). Complainant’s request sought the following records:

I respectfully request confirmation on whether any Indiana law enforcement personnel accessed or queried my personal information in the following systems during the dates of 11-01-25 and 11-24-25:

- 1) IDACS
- 2) NCIC
- 3) NLETS
- 4) *Any associated criminal justice information systems administered by the Indiana State Police.*

Respondent failed to acknowledge the request in a timely manner and first responded on December 12, 2025, and stated the request had been referred to ISP legal.

APRA provides that a request for inspection or copying of public records must:

- 1) Identify with reasonable particularity the record being requested; and
- 2) Be, at the discretion of the agency, in writing on or in a form provided by the agency.

IC 5-14-3-3(a). Therefore, Respondent was allowed to request Complainant to complete its form before accepting the APRA request. Complainant submitted the APRA request via email, which was outside Respondent's process, instead of Respondent's online APRA portal, which would be "in a form provided by the agency". However, Respondent did not follow its process by asking Complainant to re-submit to Respondent's online APRA portal.

If Complainant had followed Respondent's process and if Respondent had required Complainant to follow Respondent's process, the confusion and delay may have been minimal.

When a requestor does not receive an acknowledgement within the appropriate time period, here seven (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 with this office within 30 days of the alleged violation or denial or the complaint is barred. IC 5-14-5-7.

However, Complainant seemed to believe the response from Respondent was merely untimely and filed his complaint on December 30, 2025, citing no substantive response to his request including a projected timeline or a written denial.

On September 2, 2026, Respondent stated in its formal response that a search of IDACS yielded no responsive records. Respondent further stated that none of the remaining systems were maintained by Respondent; therefore, Complainant would have to contact other agencies to obtain the desired results.

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. *Advisory 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-141.

The time frame for consideration of timely production of the records begins November 25, 2025, through the time of the complaint, December 30, 2025. As evidenced by the formal response, it should have taken very little time to inform Complainant that the only database ISP had access to was IDACS and a search revealed no existing records.

It appears this determination was not formalized in writing until the formal response, as delivered to this office on September 2, 2026. It is also unclear as to whether the Complainant was copied on the formal response or was informed separately of Respondent’s determination.

CONCLUSION

This office finds that the Respondent violated APRA as alleged in the complaint, by failing to respond to the request within a reasonable time.



Jennifer G. Ruby
Public Access Counselor