



STATE OF INDIANA

MIKE BRAUN, Governor

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August 11, 2026

Re: Complaint 25-FC-483
Douglas Crawford (Complainant) v.
Whitley County Consolidated Schools (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed August 4, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 27, 2026, requesting a formal response by April 27, 2026. A formal response, submitted by Rachel Schnetzler, of Warrick & Boyn, LLP on behalf of Respondent, was received in this office on April 27, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by declining to provide records until the complainant paid a fee under IC 5-14-3-8(m).

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).

Complainant filed an APRA request on August 4, 2025, seeking information regarding legal fees paid for by both the Respondent and its insurer from 2017 until the date of the request.

On July 28, 2025, the Respondent replied with two (2) of the requested seven (7) years of legal invoices. The Respondent alerted the Complainant that a fee of \$500 was required to provide the remainder of the requested records, based on a statutorily determined \$20 per hour rate.

In IC 5-14-3-8(m), APRA provides, in relevant part:

This subsection applies to a school corporation and a charter school. For purposes of this subsection, “computer processing time” means the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request. A school corporation or charter school may not charge a fee for the first five (5) hours required to search for records that are in an electronic format. A school corporation or charter school may charge a search fee for any time spent searching for records that are in an electronic format that exceeds five (5) hours. If the school corporation or charter school charges a search fee, the school corporation or charter school shall charge an hourly fee that does not exceed the lesser of:

- (1) the hourly rate of the person making the search; or*
- (2) twenty dollars (\$20) per hour.*

A school corporation or charter school charging an hourly fee under this subsection for searching for records that are in an electronic format may charge only for time that the person making the search actually spends in searching for the records that are in an electronic format. A school corporation or charter school may not charge for computer processing time and may not establish a minimum fee for searching for records that are in an electronic format. A school corporation or charter school shall make a good faith effort to complete a search for records that are in an electronic format that is within a reasonable time in order to minimize the amount of a search fee. The fee must be prorated to reflect any search time of less than one (1) hour. (emphasis added)

In IC 5-14-5-7, APRA provides the following as a threshold to filing a formal complaint:

- (a) A person or a public agency that chooses to file a formal complaint with the counselor must file the complaint not later than thirty (30) days after:*

- (1) the denial...*

The July 28, 2025, communication from the Respondent did not constitute denial. In IC 5-14-3-9, APRA defines a denial as follows:

- (d) If a request is made orally, either in person or by telephone, a public agency may deny the request orally. However, if a request initially is made in writing, by facsimile, or through enhanced access, or if an oral request that has been denied is renewed in writing or by facsimile, a public agency may deny the request if:*

(1) the denial is in writing or by facsimile; and

(2) the denial includes:

(A) a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and

(B) the name and the title or position of the person responsible for the denial.

Also, in the July 28, 2025, email, the Respondent took no exemptions and did not decline to provide any documents which are in its possession. Instead, it requested its statutorily entitled fee. For this reason, the threshold requirement for denial has not been satisfied.

CONCLUSION

This office finds that Respondent did not violate APRA, so long as the fee only includes time searching for the requested documents.

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