



STATE OF INDIANA

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September 4, 2026

Re: Complaint 26-FC-039
Jiamia McCoy (Complainant) v.
Indiana University (Respondent)

This advisory opinion is issued in response to the above-referenced complaint amended and refiled on filed April 29, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 4, 2026, requesting a formal response by April 1, 2026. A formal response, submitted by Emily Stultz Assistant General Counsel on behalf of the Respondent, was received in this office on June 12, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of 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(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 Access to Public Records (APRA) request on October 6, 2025, requesting copies of eleven (11) sets of records including a copy of her personnel file, various emails, various texts, various social media accounts, investigatory records, personal notes and other personnel related documents and policies. The original complaint, received on January 21, 2026, states that Respondent had not produced any records at the time of the complaint and therefore had not responded in a reasonable time as required by statute. The amended complaint, received on April 29, 2026, acknowledges that records

were produced but Respondent failed to identify the records where exceptions were used.

Respondent, in its formal response, stated that it delivered responsive records to Complainant on April 14, 2026, totaling eighteen (18) files and 16.7 MB of data. Respondent also stated that some files had been redacted and others had been withheld in part due to the Family Educational Right to Privacy Act (FERPA). It appears that the exceptions were not tied to the list of records or the specific record requests.

The issues identified in the complaint and response are:

- 1) Was the response with copies of records provided within a reasonable time, and
- 2) Should the response correlate and identify the sets of records where exceptions to the disclosure of records were used?

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 reviewing 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.

Respondent identified numerous mitigating circumstances for consideration in determining whether the response was made within a reasonable amount of time. Record requests are funneled through the Office of the Vice President and General Counsel (“OVPGC”). OVPGC then sends out requests to the various campuses, departments and officials to gather the information and records. The internally gathered records are then reviewed to identify non-disclosable records or records that require redaction. Respondent identified 6,686 emails as responsive to the Complainant’s request.

Respondent further stated that it receives, on average, 118 APRA requests per month and has a queue of open requests totaling, on average, 200-250 requests. Respondent also referred to a turnover in staff in the OVPGC that occurred during the efforts to fulfill the Complainant's request and attributes that to a delayed response time.

Based upon the detailed information supplied by the Respondent and the complexity of the request, this office recognizes the challenges before Respondent to fulfill the request but finds the six (6) months taken to respond and produce of any responsive records to be excessive.

Complainant alleges that Respondent violated APRA by producing a dump of records, which do not identify which of the eleven (11) sets of records requested or which parts of the eleven (11) sets were included, and moreover which exceptions were invoked against those eleven (11) sets.

Complainant cited *Opinion of the Public Access Counselor 04-FC-192*, in which the Public Access Counselor stated "I advise agencies that are responding to an itemized request for documents to specify which documents that are being disclosed fit which request, making it clear to the person asking for records how the agency is responding. Also, the agency should clearly state in its response that it does not maintain a particular record."

Respondent contends that public agencies are not required by APRA to identify the records for which an exception to disclosure is used, but is only required to provide a denial:

- 1) in writing;
- 2) include a statement of the specific exemption authorizing the withholding of all or a part of the public record; and
- 3) include the name and title or position of the person responsible for the denial.

IC 5-14-3-9(d). Respondent further cited opinions of this office that stated, "there is no authority under APRA that required (the agency) to provide (the requestor) with a more detailed explanation of the denials other than a statement of the exemption or exception authorizing nondisclosure." *Opinions of the Public Access Counselor 23-FC-104 and 120*.

We believe that these seemingly divergent opinions can be reconciled. The APRA request at the center of this complaint was comprised of eleven (11) distinct requests. Each of the eleven (11) requests is entitled to a response from the public agency. When claiming an exception, the public agency is not required to identify each individual record where an exception is applicable.

However, the public agency is required to identify which exception(s) is being used with which APRA request. Respondent cited IC 5-14-3-9(d)(A) which requires a “statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record”. This ties the exception to a specific record request or record set, rather than a broad characterization applicable to the entire request when there are multiple parts to the request.

APRA provides, when a court is petitioned to review a denial of records:

(g) This subsection does not apply to an action under section 5.2 of this chapter. If the issue in a de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(b) of this chapter:

(1) the public agency meets its burden of proof under this subsection by:

(A) proving that:

(i) the record falls within anyone (1) of the categories of exempted records under section 4(b) of this chapter; and

(ii) if the action is for denial of access to a recording under section 5.1 of this chapter, the plaintiff is not a "requestor" as that term is defined in section 5.1 of this chapter; and

(B) establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit;

IC 5-14-3-9(g).

The broad denial without specifying which record request is being denied including the listed exception, does not allow the requestor an avenue to appeal the decision to the court.

APRA promotes transparency from its initial description of public policy. IC 5-14-3-1 provides, in part:

Providing persons with the 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. This chapter shall be liberally construed to implement this policy and place the burden of proof for the nondisclosure of a public

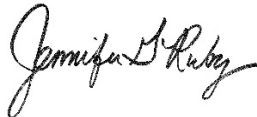
record on the public agency that would deny access to the record and not on the person seeking to inspect and copy the record.

A public agency is not required to identify each individual record where an exception is applicable as this may impinge on the reason for, or purpose of, the exception as well as be overly burdensome for large requests. However, a public agency should provide for each request, the exception(s) which allows for the denial or redaction of records under APRA.

CONCLUSION

This office finds that Respondent violated APRA as to timeliness of response.

This office also finds that the Respondent violated APRA by not responding to each of Complainant's eleven (11) requests regarding fulfillment, redaction, and/or denial with applicable exception(s).

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer G. Ruby
Public Access Counselor