



STATE OF INDIANA

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September 18, 2026

Re: Complaint 26-FC-105
Jacques Monnet (Complainant) v.
Metropolitan School District of Pike Township (Respondent)

This advisory opinion is in response to the above-referenced complaint filed March 1, 2026 (26-FC-105). Additional information as well as a duplicate complaint was filed on April 22, 2026 (26-FC-226). The duplicate complaint was rejected.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 13, 2026, requesting a formal response by April 13, 2026. A formal response, submitted by Jessica Billingsley of Church Church Hittle & Antrim on behalf of Respondent, was received in this office on April 13, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the public records within a reasonable time.

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 public records during regular business hours. IC 5-14-3-3(a).

A public agency may not deny or interfere with the exercise of the right stated above. If the public agency does not deny the request, within a reasonable time after the request is received by the 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.

Complainant states that on January 20, 2026, he requested records from Respondent for existing district records reflecting the education, professional licensure and compensation of certain District employees.

Respondent, on January 29, 2026, provided links to Complainant that granted access to most of the requested records. Those links provided records that were responsive to the request for licensure and compensation records. On February 4, 2026, Complainant notified District staff that the response did not fulfill his request for education records. Less than thirty (30) days later the Complainant filed its complaint citing that no records had been produced, no exceptions had been claimed, and no written denial issued.

APRA requires an acknowledgement of APRA requests as follows:

(c) If a person requests a copy or copies of a public record by mail, by facsimile, or through an electronic portal under section 3.3 of this chapter, a denial of disclosure does not occur until seven (7) days have elapsed from the date the public agency receives the request.

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

Respondent acknowledged the request on January 21, 2026, a day after receipt. The bulk of the responsive records were provided eight (8) days later. The missing records were the topic of Complainant's additional follow-up on February 4 and complaint on March 1, 2026.

APRA does not define the term "reasonable time" to fill a request. 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.

Respondent in its formal response states:

Other than information collected during the application and hiring process, the School does not maintain discrete records documenting employees' educational backgrounds. Nevertheless, the School voluntarily provided the Complainant with the educational background for each of the named employees on Thursday, April 9, 2026.

It is unclear whether Respondent made this clear to Complainant before April 9, 2026.

To be clear, this office has on numerous occasions opined that the public agency is not required to provide records that do not exist nor is it required to create such records. *Opinion of the Public Access Counselor 25-FC-112.*

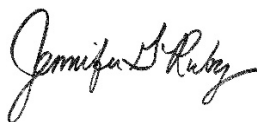
The complaint itself was premature both in time given the Respondent to fill the request and the fact that no denial had been made. The Respondent was given less than thirty (30) days to compile/create a record that included the educational information.

Respondent had not denied the request, as acknowledged by Complainant in his complaint, which is a requirement to file the complaint. Our office will consider complaints related to lack of reasonable time, untimeliness or unreasonable time to fulfill the request, but only after the public agency has been given at least 30 days from receipt of the APRA request to respond. This also did not appear to be the case.

Complainant submitted his request on January 20, 2026, and received the bulk of his request on January 29, 2026. Only 9 days lapsed, which was reasonable. Complainant complained to Respondent that the records request was not complete on February 4, 2026. Although not required under APRA to compile records which do not exist, Respondent did so and provided those records on April 9, 2026. Sixty-four (64) days or just over two (2) months lapsed, which is also not unreasonable.

CONCLUSION

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



Jennifer G. Ruby
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