



STATE OF INDIANA

Mike Braun, Governor

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October 7, 2026

Re: Complaint 26-FC-122
Deborah Koch (Complainant) v.
Office of Attorney General (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed March 10, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 30, 2026, requesting a formal response by April 20, 2026. A formal response, submitted by Joby Jerrells, Chief Counsel, Advisory Division, on behalf of Respondent, was received in our office on April 20, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to acknowledge the request within seven (7) days pursuant to IC 5-14-3-9(c).

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.” 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 request for records may be made by telephone, in person, by mail, by facsimile, or through an approved electronic portal. IC 5-14-3-9. When a request is made via telephone or in person and the public agency does not respond within 24 hours, the request is deemed denied. IC 5-14-3-9(b). If the request is made by mail, facsimile, or approved electronic portal and the public agency does not respond within seven (7) days of receipt, the request is deemed

denied. IC 5-14-3-9(c). A response from the public agency could be an acknowledgement of receipt of the request and information regarding how or when the public agency intends to comply. *See also, Opinion of the Public Access Counselor 13-FC-194(a) and 16-FC-141, 142, 143, & 144 (Consolidated).*

The Complainant made its request on February 20, 2026, via certified mail. On March 10, 2026, Complainant filed this formal complaint with this office.

Respondent acknowledges it did not provide the required acknowledgment, attributing the failure to an internal administrative issue. However, as of April 20, 2026, Respondent has provided copies of all responsive documents to the Complainant.

CONCLUSION

It is the opinion of this office that Respondent acted contrary to APRA requirements when it failed to respond to the written request for records within seven (7) days. However, as Respondent has now provided all records responsive to the request in a reasonable time, this office determines this to be in satisfaction of the formal complaint.

A handwritten signature in black ink, appearing to read "Brittney Long", with a stylized, flowing script.

Brittney A. Long

Public Access Counselor