



STATE OF INDIANA

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October 31, 2013

Ms. Amy A. Matthews, Esq.
Church, Church, Hittle & Antrim

Re: Informal Inquiry 13-INF-56: Email Chains

Dear Ms. Matthews:

This is in response to your informal inquiry regarding a request made to the Charles A. Beard Memorial School Corporation ("CAB") requesting certain emails to and from CAB officials. Pursuant to Ind. Code § 5-14-4-10(5), I issue the following informal opinion in response to your inquiry. My opinion is based on applicable provisions of the APRA, Ind. Code § 5-14-3-1 *et seq.*

BACKGROUND

Your inquiry states that on July 12, 2013, the publisher and owner of the Knightstown Banner requested of the Charles M. Beard Memorial School Corporation "full and complete, unredacted copies of...any and all correspondence, whether generated on paper or electronically...sent to or received from" administration officials for a specific timeframe.

In order to produce said records, a search was performed on the email server for communication responsive to the request. These documents, approximately 50 pages in length, contained the entire email chain of the particular emails in question. Your specific inquiry is whether the full email trail would be a complete record under the APRA or if duplicative copies would frustrate the intention of the request.

ANALYSIS

The public policy of the 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." *See* Ind. Code § 5-14-3-1. The Charles A. Beard Memorial School Corporation is a public agency for the purposes of the APRA. *See* Ind. Code § 5-14-3-2. Accordingly, any person has the right to inspect and copy the CAB's public records during regular business hours

unless the records are excepted from disclosure as confidential or otherwise non-disclosable under the APRA. *See* Ind. Code § 5-14-3-3(a).

The APRA does not speak to the issue of duplicate copies or email threads not related to the public records sought. The CAB has satisfied the obligations under the APRA by providing the records responsive to the request. It appears as if the CAB is exceeding expectations by providing more information than was requested. Provided that the duplicate or additional information in the email thread does not confuse or place an undue burden on the requestor, then it is deemed appropriate.

Furthermore, it can be reasonable inferred that the additional information contained in the email chains provide more context in regard to the substantive portions of the request. This is consistent with the best efforts of a public agency to be transparent and open. Although an agency is not obligated to go above and beyond in providing additional information responsive to the request, it is certainly encouraged in the spirit of open access.

The duplicative materials could indeed be redacted because the agency has fulfilled its obligations under the APRA to provide the materials sought. Once the records are released, it would not be considered a violation to omit duplicate information. As long as the totality of the information is produced, then any redundancy is at the discretion of the agency. As a further aside, it may be in the best interest of the individual requesting the records that the permitted fee be waived for duplicate copies in a circumstance where extra pages are provided.

Please do not hesitate to contact me with any further questions.

Best regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor