



STATE OF INDIANA

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April 20, 2017

Mr. Brandon Seifert
Via electronic mail

Re: *Informal Inquiry 17-INF-05*

Dear Mr. Seifert:

This is in response to your informal inquiry regarding recording audio and video recording in your town hall.

DISCUSSION

It is my understanding in the Hunteertown Town Hall there exists a sign that says, "No Audio or Video Recording without Express Permission." No authority or other qualifiers are provided. You inquire whether this signage is appropriate for a public space.

This Office's jurisdiction is limited to interpretation of the public access code sections. Therefore, as for any constitutional considerations of recording in public offices, those issues will not be addressed in this inquiry response. To the extent a constituent desires to record a proceeding by the governing body (council) of the town, the Indiana Open Door Law gives the unqualified right to record a meeting. Indiana Code § 5-14-1.5-5 states that, unless otherwise provided, "all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe **and record them**". Emphasis added.

Therefore, an express prohibition on recording in council chambers during a public meeting is a de facto violation of the Open Door Law. Reasonable restrictions – size or noise of cameras, flash photography, etc. – may apply, however, a local government unit cannot prevent an interested member of the public or media to record a meeting.

As for the legality of recording in any other space or area outside of a public meeting, this Office declines to make a determination.

Please do not hesitate to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to be 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor