



# STATE OF INDIANA

**ERIC J. HOLCOMB, Governor**

**PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT**

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)234-0906  
Fax: (317)233-3091  
Toll Free: 1-800-228-6013  
Email: [pac@opac.in.gov](mailto:pac@opac.in.gov)  
Website: [www.IN.gov/pac](http://www.IN.gov/pac)

## **Updated guidance concerning the impact of the COVID-19 emergency on Indiana's public access laws.**

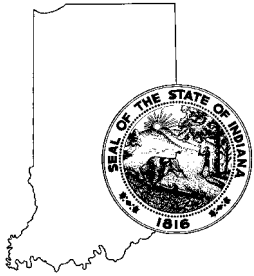
**Updated 3/23/2020**

In conjunction with the Governor's Executive Orders released today, we are updating previously issued guidance which supersedes prior guidance issued from this office.

Given the uncertainty of this situation, the best way to contact this office is by email. You may email me directly at [lbritt@opac.in.gov](mailto:lbritt@opac.in.gov), or my deputy Kristopher Cundiff, at [krcundiff@opac.in.gov](mailto:krcundiff@opac.in.gov). Phones and the central email will be monitored only periodically.

- Public agencies should cancel or postpone nonessential meetings consistent with the Governor Holcomb's Executive Order. Cancellations of meetings do not require notice but notifications via web site or social media is advisable;
  - During the public health emergency governing bodies may now avail themselves of technology to conduct public business. A quorum must be on the conference call but members can patch in remotely. In order to ensure public access, if a governing body has the capability allowing the media and public to call in to observe remotely, it must do so. Livestreaming and broadcasting is advisable as well on either a municipal or county website or social media page;
  - If there are items or authority that can statutorily be delegated to a presiding officer, a governing body should ratify those actions when normal meetings resume. This includes, but is not limited to, operational or administrative functions and executive or ministerial duties;
  - Members of the public are to submit public records requests remotely (e.g., email; standard mail), not in person;
  - The acknowledgement period of public records requests is suspended for the duration of the public health emergency, however, agencies must still respond within a reasonable time.
- Note that the reasonable time requirement for public records production may be different during times of emergency than during normal business operations.

Most importantly, practice patience with one another and use common sense. As this office often moderates disputes between the public and their representative officials, we



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know that times of heightened pressure often enflame tensions and anxiety. We encourage mindfulness and civility while working together through these unprecedented times.

As always, please do not hesitate to contact us with any questions.

Best regards,

A handwritten signature in black ink, appearing to read "LHB", is positioned above the printed name of the Public Access Counselor.

Luke H. Britt  
Public Access Counselor