



STATE OF INDIANA

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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 Indiana Code § 5-14-3-1*. The Clark Pleasant School Corporation is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the School’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

This Office has conspicuously opined *ad nauseum* on the topic of reasonable particularity of emails. This guidance has been well-received by the government, public and press alike. I have interpreted case law, other states and an amalgamation of best practice references to narrow the reasonable particularity of a proper email search to the following: a named sender, a named recipient, a timeframe of six-months or less, and an identified subject matter and/or keywords *for each message*. This is not an arbitrary or draconian set of standards, but rather a set of well-thought out search parameters to prevent abuse of overly cumbersome and vexatious public records inquiries.

I have reviewed the request in question and have determined it does not meet the standards of specificity. If a prior request of this sort has been accepted by the agency, it has gone above and beyond its duty to do so, but is not required to do so each time it faces a request of this kind. The Access to Public Records Act is not a pre-litigation discovery device, nor is it a license to trawl evidence with a wide net. It is a mechanism for keeping governmental units accountable to the public through precise, accurate and specific document requests. The request in questions seeks records the Complainant does not know exist, but may or may not be on the School’s servers. This is neither reasonable nor particular.

Because the request was not reasonably particular, the matter of deliberative material need not be addressed. If the Complainant were to narrow her request to meet these well-established guidelines, this Office would entertain a complaint regarding the deliberative material issue.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Clark Pleasant School Corporation has not violated the Access to Public Records Act.



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A handwritten signature in black ink, appearing to read "L. Britt", is positioned above the printed name.

Public Access Counselor

Cc: Mr. Jonathan Mayes, Esq.