
OPINION OF THE PUBLIC ACCESS COUNSELOR

JULIE ANN CHAMBERS,
Complainant,

v.

HAMILTON SOUTHEASTERN SCHOOL CORP.,
Respondent.

Formal Complaint No.
23-FC-54

Luke H. Britt
Public Access Counselor

BRITT, opinion of the counselor:

This advisory opinion is in response to a formal complaint alleging the Hamilton Southeastern School Corporation violated the Access to Public Records Act.¹ Attorney Christopher Greisl provided information on behalf of the school corporation. In accordance with Indiana Code § 5-14-5-10,

¹ Ind. Code § 5-14-3-1-10.

I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on June 20, 2023.

BACKGROUND

This case involves a dispute over the length of time taken by Hamilton Southeastern School Corporation (HSE) to respond to a public records request.

Beginning in February, Julie Chambers (Complainant) submitted a series of public records requests to HSE for documentation on several subject matters. HSE acknowledged all the requests, however, Chambers reached out in May for assistance. After not receiving any responsive material from HSE, Chambers filed a formal complaint with this office on June 20, 2023.

In the meantime, this office contacted HSE's attorney on several occasions for status updates, encouraging the school corporation to close the loop on Chambers' request. That communication was seemingly well received. HSE provided some information but not the entirety.

As of September 7, 2023, four requests remained outstanding. HSE was provided with Chambers' itemized list of missing material on September 19 at which time this office was advised that work was still in progress.

On October 9, 2023, Chambers advised this office that while she still has not received the responsive documentation, HSE issued a request for clarification.

Even so, Chambers had waited nearly six months for responsive material on some fairly basic requests.

ANALYSIS

1. The Access to Public Records Act

The Access to Public Records Act (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.” Ind. Code § 5-14-3-1. Hamilton Southeastern School Corporation (HSE) is a public agency for purposes of APRA; and therefore, subject to its requirements. *See* Ind. Code § 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy HSE’s public records during regular business hours. Ind. Code § 5-14-3-3(a).

Indeed, APRA contains mandatory exemptions and discretionary exceptions to the general rule of disclosure. *See* Ind. Code § 5-14-3-4(a) to -(b).

2. Reasonable timeliness & reasonable particularity

This case involves the timeliness of an agency’s response mixed with its invitations to narrow a public records request.

Notably, Chambers has waited several months for any satisfaction to her requests.

To a large extent, this case mirrors *Opinion of the Public Access Counselor 23-FC-55 (2023)*, which also addressed public records request where the requester waited a significant period of time merely for an invitation to narrow his request.

In that opinion, this office observed:

The better practice would have been for the School to further engage [the requester] in the beginning, asking him to pare down the scope of his request to a manageable degree, or to at least clarify the relevant subject matters. Instead, he was left to wait several months until he felt he had no option but to file his complaint, and rightfully so.

Still, Chambers' requests are not tragically unspecific, but HSE's request for clarification could have been sought months ago, without this office's prompting.

Indeed, this office is aware of the multitude of issues facing HSE this year from a turnover in board membership to a superintendent change and subsequent search. Nonetheless, this does not mean public access gets put on the back burner or deprioritized in any way. Arguably, the need for agency transparency should be heightened in times of tumult.

Here, we attempted to give HSE the benefit of the doubt and resolve this matter without an opinion, knowing the amount of interest and public records requests filed with them. HSE's attorney was responsive and willing to do so, however, it does not seem as if that trickled down to his client.

Simply put, this office cannot ratify the timeline in this case—or others anecdotally relayed to this office—and it appears that HSE would be well served to rededicate itself to the public records process.

CONCLUSION

Based on the foregoing, it is the opinion of this office that the Hamilton Southeastern School Corporation should have invited Chambers to clarify the scope of the initial request instead of waiting several months to do so.

Nevertheless, this office is hopeful that the records will continue to be provided to Chambers in an expedited fashion.



Luke H. Britt
Public Access Counselor

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