



STATE OF INDIANA

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December 3, 2025

Re: Complaint 25-FC-016
Melissa Wechsler (Complainant) v.
Whitley County Consolidated Schools (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed February 17, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 9, 2025, requesting a formal reply by November 7, 2025. A formal response, submitted by Timothy Shelly of Warrick & Boyn, LLP of behalf of Respondent, was received in this office on November 7, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide all of the recordings received by email, text or air drop.

ANALYSIS

The public policy of 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 is to provide the information." Indiana Code (IC) 5-14-3-1.

Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. *See* IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent's public records during regular business hours. *See* IC 5-14-3-3(a).

Complainant filed a request for copies of public records on January 20, 2025. The request sought "any and all audio recordings, visual recordings or any other media files sent but not limited to via email, text message or air drop" and suggested that it referenced a meeting on November 26, 2024. The meeting was between Respondent staff and "Student 1".

APRA contains exceptions, both mandatory and discretionary, to the general rule of disclosure. In particular, APRA prohibits a public agency from disclosing certain records unless access is specifically required by state or federal statute or is ordered by a court under the rules of discovery. IC 5-14-3-4(a).

In addition, APRA lists other types of records that may be excepted from disclosure at the discretion of the public agency. IC 5-14-3-4(b).

Complainant in her complaint and subsequent emails alleged that the audio recording received by Complainant was not the only recording that should have been received.

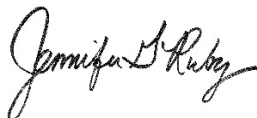
Respondent states in its response, which included Affidavits from the Superintendent of Respondent and Principal of Respondent's Columbia City High School, that there was only one known audio recording. One affidavit stated that it was received by text and was shared with Complainant. The other affidavit stated that Respondent was "provided two copies of one audio recording, one copy from a School parent; one copy from a student." Further, that affidavit goes on to say, "[t]he only audio file we have is the one that was provided."

Respondent does not claim an exception or exemption to justify withholding any record from disclosure but contends that all responsive records have been provided.

A public agency cannot violate APRA for failing to provide a record that does not exist.

CONCLUSION

This office finds that Respondent did not violate APRA. Respondent received one audio file which it provided to Complainant at her request.



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