



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
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October 20, 2025

Carolyn A. Marsh
*Address
Redacted*

Via email: *Address Redacted*

Re: Complaint 25-FC-033
Marsh, City of Hammond

Dear Ms. Marsh:

This letter is in response to your complaint regarding the City of Hammond.

A Notice of Complaint was sent to the City of Hammond with a copy of your complaint attached. Your complaint alleges that the City of Hammond violated the Access to Public Records Act (APRA).

This office subsequently received a formal response from the City of Hammond by Kevin Smith, Corporation Counsel.

I have reviewed the complaint file. Your complaint states that you were not given a copy of the video recording of the January 13, 2025, Hammond Common Council meeting. It was not a request for the written meeting minutes.

The City has responded to your complaint that the video recording of the January 13, 2025, meeting is no longer in existence. The City explained that the video is generally destroyed after the minutes of the particular meeting are prepared and approved.

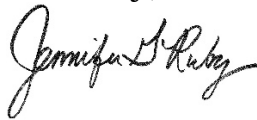
The City of Hammond is correct in stating that no requirement existed at the time of the January 13, 2025, meeting to video record the City's meeting and retain such video. The City was recording the meeting in order to livestream the meeting and as a source for preparation of the minutes.

As of July 1, 2025, there is a requirement to livestream the meetings of the Common Council under Indiana Code 5-14-1.5-2.9(c) and make the archived copy available to the public. I.C. 5-14-1.5-2.9(f)(2) allows for destruction of the video after ninety (90) days. However, these provisions were not in effect at the time of the January 13, 2025, meeting.

As cited in the response of the City, General Rule 10-02 of the Indiana Archives and Records Administration (IARA) applies to local governments and provides that recordings maybe destroyed “after relevant minutes are transcribed and approved.”

Therefore, this office concludes that the City of Hammond did not violate APRA in failing to provide a copy of the video recording. The city is not required to produce that which it does not have.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer G. Ruby
Public Access Counselor

cc: Kevin Smith, Corporation Counsel, City of Hammond
via email: *Address Redacted*