



STATE OF INDIANA

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December 12, 2025

Re: Complaint 25-FC-061
Elaina Hutchison (Complainant) v.
Blackford County Area Planning Commission (Respondent)

This advisory opinion is issued in response to the above-referenced complaint dated March 3, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 22, 2025, requesting a formal response by November 20, 2025. Respondent has not responded as of the date of this opinion.

The complaint alleges that the Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of requested public records within a reasonable time.

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. 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. IC 5-14-3-3(a).

After making similar record requests since September of 2024, Complainant made another records request during Respondent’s February 4, 2025 meeting, for meeting minutes and attachments from 2019 to date. Complainant states that she was allowed to inspect the minute book/notebook in the office of Respondent. However, the documents provided were incomplete and not responsive to the overall record request. Respondent failed to produce copies of

the records even after Complainant has waited an unreasonable time to receive them.

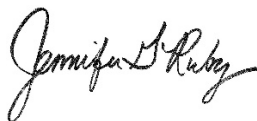
IC 5-14-3-3(b) requires the public agency to provide copies of records within a “reasonable time” after the request is received by the agency. The statute is silent on what constitutes a reasonable time to respond to a records request. This office has recognized several factors in determining what effects the concept of reasonable time and those factors are the 1) volume of the request, 2) the complexity of the request, 3) number of pending requests, 4) staff available to respond to the request or 5) other operational factors that impact the ability to respond to the request.

The records requested were copies of minutes of meetings. These records should have been submitted to and approved by the Respondent’s board at the next public meeting and made available as soon as practical after for each of the meetings held in 2019 to present, as a matter of ordinary business practice. These records are permanent records of the agency and should be filed in the year the records were produced.

It does not seem reasonable to fail to copy records that should be readily available, permanent records of the public agency for a period of nearly nine (9) months from the February 4, 2025 request, or longer from the September 2024 request.

CONCLUSION

This office finds that Respondent violated APRA by failing to provide copies of meeting minutes, and that the time elapsed from this legitimate APRA request has been unreasonable.

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

Jennifer G. Ruby
Public Access Counselors