



STATE OF INDIANA

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February 24, 2026

Re: Complaint 25-FC-131
Ben R. Stockton (Complainant) v.
Indiana Office of Energy Development (OED) (Respondent)

This advisory opinion is issued in response to a complaint dated June 27, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 14, 2025, requesting a formal response by November 12, 2025. A formal response, submitted by Greg Cook on behalf of Respondent, was received in this office on October 21, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of records because the request lacked reasonable particularity in identifying the records requested.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with the 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.” 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).

APRA requires that record requests “must identify with reasonable particularity the records being requested.” IC 5-14-3-3(a)(1). The statutes do not define the term “reasonable particularity”.

Claimant requested copies of correspondence between the OED Executive Director and three (3) specific energy companies from January 1, 2025, to the date of the request. Respondent notified Complainant that they could not complete the records request based upon the lack of reasonable particularity. Respondent also offered to work with Complainant to narrow the request by submitting specific names, topics identified and the date ranges. Complainant responded that the original submission met the reasonable specificity standard and therefore did not narrow his records request.

The Indiana Court of Appeals addressed the meaning of the phrase in *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request “turns in part, on whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records.”

The record request sought correspondence, which might include written letters and materials, faxes and copies of email messages, between an individual and three (3) companies. While the request identified one individual and date range, it did not identify the other recipient/sender nor the topic of the correspondence.

This office has given guidance on the four (4) aspects of what is required to identify emails for purposes of record requests. The aspects are 1) a named sender; 2) a named recipient; 3) a reasonable time frame and 4) a subject matter or set of unique and connected words. *Opinions of the Public Access Counselor 23-FC-59 and 25-FC-074*. In *Anderson v. Huntington County Bd. Of Commissioners*, 983 N.E.2d 613 (Ind. Ct. App. 2013) the Indiana Court of Appeals held that an identified sender and recipient of an email are necessary for a request to satisfy APRA’s reasonable particularity standard. *Anderson* also referenced the trial court which “stated that allowing requests such as Anderson’s would permit a “fishing expedition[,]” quoted again in *Opinion of the Public Access Counselor 13-FC-81*.

Respondent notified the Complainant on June 23, 2025, that the Complainant’s request was too broad and requested Complainant narrow the request so that Respondent could provide the requested records. Respondent did not deny the records request. However, Complainant refused Respondent’s request to improve the particularity.

We encourage the Complainant to work with Respondent to provide the particularity needed for Respondent to narrow its search to find any available records for Complainant.

CONCLUSION

This office finds that Respondent did not violate APRA by failing to provide records as requested.



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