



STATE OF INDIANA

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June 23, 2026

Re: Complaint 25-FC-216
Anne Johnson/ACT Education Corporation (Complainant) v.
Indiana Department of Administration (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on September 8, 2025

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 23, 2025, requesting a formal response by November 21, 2025. A formal response, submitted by General Counsel Kirk Grable on behalf of Respondent, was received in this office on November 19, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide the requested documents in a timely manner.

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).

The Complainant alleges that Respondent violated APRA when it failed to respond to the record request of June 3, 2025. The records request, submitted through Respondent’s APRA online portal, sought electronic copies of the following material related to RFP 25-81511 College Entrance Exam:

- A list of all vendors that submitted proposals.
- A copy of the College Board’s original proposal, including technical proposal, business proposal, cost proposal and all attachments.

- A copy of College Board’s response to clarification questions, BAFO, and oral presentation.
- A copy of evaluator scores and comments for each round, including detailed scoring showing breakdown of technical points awarded to each respondent.

Complainant requested that this information be provided no later than September 15.

Complainant takes exception to the time taken to respond to the record request. APRA requires a response by the public agency within seven (7) days of receipt of a written request for public of records. IC 5-14-3-9(c). Respondent’s APRA portal acknowledged Complainant’s request automatically in compliance with this statute. However, at the time of Complainant’s complaint, Respondent had not responded further, nor had it released the requested records.

APRA does not define the term “reasonable time”. This office has in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the APRA provisions. An informal benchmark this office observes for a typical response time would be thirty (30) days from the receipt of the request. *Opinion of the Public Access Counselor 20-FC-87.*

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. In those circumstances, this office considers the following factors:

- (1) the size of the public agency;
- (2) the size of the request;
- (3) the number of pending requests;
- (4) the complexity of the request; and
- (5) any other operational considerations or factors that may reasonably affect the public records process.

Opinion of the Public Access Counselor 25-FC-034.

Respondent’s response basically states the first four (4) factors did not significantly impact the timing of the response. However, factor “(5) any other operational considerations or factors that may reasonably affect the public records process” was the defining factor.

With the new Governor in Office, Respondent was required to implement several Executive Orders as well as comply with the Senate Enrolled Act 5 (P.L. 182-2025), effective July 1, 2025, which required the drafting of new provisions to be included in State contract templates. All of the thousands of State

contracts pass through Respondent for approval so this was a monumental task. Respondent was tasked with these initiatives while Respondent only had one (1) attorney hired to review and process these measures.

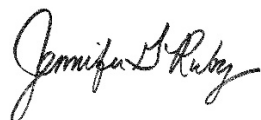
Additionally, as stated in the formal response, “the [Respondent’s] Procurement Department, which must assist in responding to APRA requests for documents related to procurements, has seen a significant increase in work with a corresponding decrease in staff. The Procurement Department currently has two critical vacancies on the competitive sourcing team. This team has seen a one thousand two hundred eighteen percent (1,218%) increase in work since January 13, 2025.”

An example is that factor “(3) the number of pending requests” only totaled forty-four (44) at the time Complainant filed her request. By the time Respondent submitted its formal response, the number of Respondent’s pending APRA requests had risen to one hundred and five (105).

Although these factors have impinged on Respondent’s ability to respond as described above, Respondent has responded in full and did so within six (6) months of receipt, or within three (3) months of reasonable legal capacity to do so.

CONCLUSION

This office finds that Respondent did not violate APRA by failing to fulfill Complainant’s records request in a timely manner, given its unique circumstances.



Jennifer G. Ruby
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