

STATE OF INDIANA
Mike Braun, Governor

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October 13, 2026

Re: Complaint 26-FC-132
Shadonna Smith (Complainant) v.
Merrillville Community School Corporation (Respondent)

This advisory opinion is issued in response to the above-mentioned complaint dated March 21, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 9, 2026, requesting a formal response by April 7, 2026. A formal response, submitted by Gregg Puls, Deputy Chief of Staff, on behalf of Respondent, was received in this office on April 2, 2026.

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 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”.

On January 8, 2026, Claimant requested copies of documents regarding a certain individual as follows:

1. A copy of requests/order made to BeenVerified.com™ which resulted in the generation of a report,
2. Any and all documents relating to the Claimant, and the reasons such request was made,
3. Any and all communications, electronic or otherwise, including but not limited to emails, texts, memoranda, and handwritten notes to, from, or between members of the LT. Governor's Office (including a certain specified individual employee) that mention the Complainant by name or otherwise refer to her by name or any aliases by which members of the office may refer to her.

Respondent on February 12, 2026, denied the request because it was lacking reasonable particularity pursuant to IC 5-14-3-3(a)(1) and because it may contain deliberative materials pursuant to IC 5-14-3-4(b)(6).

The term reasonable particularity is found in APRA. The right to inspect or copy records is set forth as follows:

Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

IC 5-14-3-3(a)

Reasonable particularity is not defined within APRA. The Indiana Court of Appeals concluded that it “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.” *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012).

The record request sought any and all documents, communications and correspondence, which might include written letters and materials, faxes and copies of email messages between unnamed individuals and recipients for unspecified timeframes and without context (in regards to emails).

This office has previously given guidance on the four aspects required to identify emails for purposes of reasonably particular record requests. The requirements are:

- a) A named sender;

- b) A named respondent;
- c) A reasonable time frame (e.g. six months or less); and
- d) A subject matter or set of unique and connected words.

Opinion of the Public Access Counselor 25-FC-138; 23-FC-59.

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 *Opinions of the Public Access Counselor 25-FC-131 and 25-FC290*.

Respondent notified the Complainant on February 12, 2026, that the Complainant's request was denied due to lack of reasonable particularity. Such determination may be warranted, however, this office encourages public agencies to work with requestors to narrow the requests to identify the sought after records.

Respondent also asserted that certain records being sought might be deliberative in nature and an exception to disclosure under the statute. APRA provides:

Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

IC 5-14-3-4(b)(6).

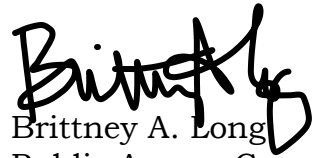
This exception is invoked at the discretion of the public agency. It appears Respondent is asserting this discretion regarding some of the requested communications and the background report. This exemption may be applicable to some of the communication records requested. However, since the APRA request lacked reasonable particularity, the Respondent would be unable to identify specific requested communications.

With regards to the background report, it was generated by a private contractor with the Respondent; the information contained in the report is speculative in nature; and the report was communicated for the purpose of decision making. The report was generated on January 1, 2025. The Respondent used that information in deciding the appropriate administrative response.

We encourage the Complainant to work with Respondent to provide the particularity needed in order to fulfill an appropriate APRA request. The APRA request will have to be renewed since the prior request was denied in full.

CONCLUSION

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

A handwritten signature in black ink, appearing to read "Brittney A. Long". The signature is stylized with a large, looped initial "B" and a trailing flourish.

Brittney A. Long
Public Access Counselor