



STATE OF INDIANA

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October 9, 2026

Re: Complaint 26-FC-147
Paul Starkey (Complainant) v.
Bureau of Motor Vehicles (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on February 18, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on August 28, 2026, requesting a formal response by September 28, 2026. A formal response, submitted by BMV Legal, on behalf of Respondent was filed in this office on August 31, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide a copy of the requested records.

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.” 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(s). 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).

Complainant filed his APRA request on February 16, 2026. The request sought:

“I would like to make an IC -5-14-3-4(b)(8) Access to Public Records Act submission for all information pursuant to that statute for the employee(s) responsible for the response as forwarded below.”

The request stated further that “IC 5-14-3-4(b)(8) provides the statutory obligation to release the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, and dates of first and last employment

of present or former officers or employees of the agency”

APRA does provide for discretionary withholding of an employee’s personnel file but does require the release of the listed information Complainant requested and cited as statutory authority.

Respondent then informed requestor that the BMV had discretion to deny the request under IC 5-14-3-4(b). The response did not identify the statutory exception upon which it was denying disclosure of the information under section 4(b). Section 4(b) provides twenty-eight (28) categories for a public agency to deny a request for public records, at the agency’s discretion. Respondent did not cite any specific category for its denial. The denial was submitted via email and only bore the signature of “BMV Legal”. No individual was identified as penning the correspondence.

APRA provides detailed guidance regarding the form and content of denials by a public agency, as provided below:

(d) If a request is made orally, either in person or by telephone, a public agency may deny the request orally. However, if a request initially is made in writing, by facsimile, or through enhanced access, or if an oral request that has been denied is renewed in writing or by facsimile, a public agency may deny the request if:

- (1) the denial is in writing or by facsimile; and
- (2) the denial includes:
 - (A) a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and
 - (B) the name and the title or position of the person responsible for the denial.

IC 5-14-3-9(d).

Respondent failed to identify the specific exception it was asserting to deny Complainant’s request. Respondent also failed to provide the name and title of the person making the denial. These failures contravene the requirements of APRA.

CONCLUSION

This office finds that Respondent did violate APRA as alleged in the complaint.



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