STATE OF INDIANA
MIKE BRAUN, Governor

PUBLIC ACCESS COUNSELOR
BRITTNEY A. LONG
Statehouse Room 105
200 West Washington Street
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Fax: (317) 233-3091
Toll Free:1-800-228-6013
Email: pac@opac.in.gov
Website: www.IN.gov/pac

October 22, 2026

Re: Complaint 26-FC-155
Jim Brown (Complainant) v.
City of Fort Wayne (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 7, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on May 21, 2026, requesting a formal response by June 22, 2026. A response from Karen Moses, Associate City Attorney, on behalf of Respondent was received by this office on May 21, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it denied his APRA request.

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(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). *Emphasis added.*

APRA defines a "person" as "an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity." IC 5-14-3-2(o).

Complainant filed an APRA request with Respondent on March 26, 2026. This request sought:

"All credit card statements, purchase card (P-card) statements, or

other statements reflecting charges made on credit cards issued to or used by the City of Fort Wayne, including any department, office, or agency of the City, from January 1, 2025, to December 31, 2025."

On March 27, 2026, Respondent denied Complainant's request, stating that it would not comply with requests from anonymous requestors, nor would it comply with requests from "persons who had used threatening or harassing language." Respondent further noted that even if Complainant chose to refile the request under his own name, his request lacked reasonable particularity.

Denied As Requestor Used An Alias

Respondent argues, in its formal response, that its decision to deny Complainant's request on the grounds he had used an alias is within the letter and spirit of APRA. Specifically, it argues that:

1. IC 5-14-3-4(b)(23)(vi) prohibits suspects from using APRA to obtain information concerning a victim.
2. IC 5-14-3-4(b)(14) details specific categories of requestors which may obtain information about minors.
3. IC 5-14-3-4(b)(23) prohibits requestors from obtaining personal information on correctional officers, law enforcement officers, and/or judges.

Respondent argues that, without knowing the identity of the requestor, it cannot know whether circumstance, such as those above, applies. This office notes that, while Respondent's concern is understandable, it does not appear on its face that any of the above circumstances are relevant.

Here, Complainant has requested certain financial records from Respondent. These records do not appear to involve minors, officers, and/or judges, nor has Respondent asserted any belief that Complainant is a suspect to a crime and that the requested records contain information on a victim. Though the "spirit" of APRA may consider certain circumstances in which fulfilling an APRA request is inappropriate or harmful, that does not permit a public agency to deny requests without specific cause.

The plain reading of the statute states "any" person has the right to inspect and copy. IC 5-14-3-3(a). "A public agency may not deny or interfere with the exercise of the right stated above." *Opinion of the Public Access Counselor 26-FC-171*.

As of the date Complainant filed his complaint against Respondent, Respondent was obligated to comply with the request even if it was submitted by an anonymous requester, unless another exemption applied.

Respondent likewise notes its decision to deny this request was consistent with HB 1360. This legislation, effective July 1, 2026, mandates a system which verifies an APRA requestor's physical address and other information. This office notes that resulting statute, IC 5-14-3-3.3, does not require verification of the name of the requester.

This office reiterates, as noted above, that HB 1360 was not effective until after the date of Respondent's denial. This office further notes that even if that legislation was in effect at the time of the denial, it is not clear that an anonymous request would provide grounds for such a denial.

Accordingly, this office opines that Respondent violated APRA in denying Complainant's request on the grounds it had been made under an alias.

Complaint Should Be Dismissed As Untimely

Respondent argues that this complaint should be dismissed as untimely. APRA provides that a formal complaint with this office must be filed no later than thirty (30) days after the denial of the APRA request. IC 5-14-5-7(a). Complainant's APRA request was denied March 27, 2026. Complainant submitted a formal complaint with this office on April 7, 2026. As 30 days had not lapsed between the denial and Complainant's complaint, this office finds that the complaint was timely filed.

Request Denied As Complainant Used Harassing Or Threatening Language

Respondent asserts that it also denied Complainant's request as he had previously used "threatening or harassing language." In support, Respondent provided an email exchange concerning a prior APRA request with an individual identified as Private Dick, which Respondent believes to be another alias for Complainant. In this email exchange, Private Dick used profanity and harassing language. Respondent argues that it has received multiple other emails from Complainant, using multiple other aliases, using profane and harassing language.

This office notes that it is not a finder of fact. While Respondent may have reason to believe that Private Dick and Complainant are the same person, this office cannot unilaterally determinate that to be true. As this cannot be determined, this office cannot determine that the email exchange with Private

Dick, nor any other email exchange, is relevant to this matter.

Since it cannot be determined whether Complainant has used threatening or harassing language in the past, and Complainant did not use threatening or harassing language in the request under dispute, this office will not opine on whether threatening or harassing language provides grounds to deny an APRA request.

Whether Respondent Violated APRA

As noted above, barring specific exceptions, *any person* has a right to view and inspect public records. IC 5-14-3-3. Respondent has not asserted any allowable exceptions relevant to Complainant's request. Respondent noted in its response to Complainant that, even if he filed the request under his own name, it lacks reasonable particularity. This office opines that reasonable particularity was not the grounds for this request's denial, and thus, does not address it here. However, this office does note a lack of reasonable particularity is not, in and of itself, grounds for denying a request, but rather, a circumstance in which the parties work to narrow the request.

CONCLUSION

This office opines that Respondent violated APRA as alleged when it improperly denied Complainant's APRA request because it had been filed under an alias.

This office does not issue an advisory opinion on whether an APRA request can be denied when the requestor uses threatening or harassing language.

Brittney A. Long
Public Access Counselor