



STATE OF INDIANA

Mike Braun, Governor

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October 6, 2026

Re: Complaint 26-FC-171
Logan Foster (Complainant) v.
City of South Bend (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed March 31, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on April 14, 2026, requesting a formal response by May 13, 2026. A formal response, submitted by Sandra Kennedy, Corporation Counsel, on behalf of Respondent, was received in our office on May 13, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the public records within a reasonable time.

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 it 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 public records during regular business hours. IC 5-14-3-3(a).

A public agency may not deny or interfere with the exercise of the right stated above. If the public agency does not deny the request, within a reasonable time after the request is received by agency the public agency shall either:

- (1) Provide the requested copies to the person making the request; or
- (2) Allow the person to make copies:
 - (A) on the agency’s equipment; or

(B) on the person's own equipment.

IC 5-14-3-3(b). Complainant states that on January 27, 2026, it had requested the following:

- 1) The Mayor's calendar and daily schedule from January 1, 2025, to January 27, 2026, and
- 2) Any policies or guidance documents governing:
 - a) The scheduling, labeling, redaction, or disclosure of the Mayor's calendar.
 - b) The distinction between "official business" and "personal notes" for calendar- keeping purposes.

The Complainant did not receive any of the requested records. Complainant submitted status requests on March 4 and March 30, 2026, and has been informed that Respondent is "still waiting on records for this request for Legal to review" and "waiting on responsive records from the department."

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.

At the same time, because Complainant's request was reasonably particular, it left reasonable timeliness as the practical efficiency in which to fulfill the request. *Opinion of the Public Access Counselor 20-FC-19.*

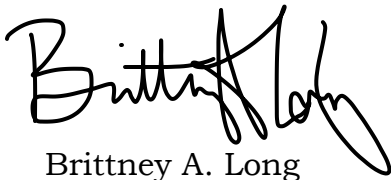
The many operational limitations that came into play were outlined by Respondent as: limited staff, turnover in staff, a large backlog of unfilled APRA requests and difficulty in addressing the request in the Mayor's office. Respondent also requires APRA requests to be reviewed by legal counsel.

Respondent received the records from the Mayor's office on April 16, 2026. That review is still ongoing. At the time of the formal response, the records had not been provided to Complainant.

Upon considering both the limited nature of the record request and the significant challenges expressed by the Respondent in meeting APRA requests, the time span from January 27, 2026, to the date of the formal response, May 13, 2026, at which time the Respondent still had not produced the documents was an unreasonable length of time.

CONCLUSION

This office finds that the Respondent violated APRA by failing to provide the requested records within a reasonable time.

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

Brittney A. Long

Public Access Counselor