



STATE OF INDIANA

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October 13, 2026

Re: Complaint 26-FC-176
Samantha Liss (Complainant) v.
Indiana Family and Social Services Administration (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 2, 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 staff attorney Avery Penn, on behalf of Respondent, was received in this office on May 13, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to comply with the Complainant's APRA request in a reasonable timeframe.

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 Respondent's public records during regular business hours. IC 5-14- 3-3(a).

Complainant filed an APRA request with Respondent on December 23, 2025, requesting:

- (1) Any and all records documenting changes, upgrades, or system enhancements to Indiana's eligibility system for Medicaid and the Supplemental Nutrition Assistance Program, as a result of the One Big Beautiful Bill Act.

- (2) All records documenting necessary changes for systems determining eligibility in the aforementioned programs.
- (3) A copy of contracts currently in effect between the state and its eligibility and enrollment systems vendors.
- (4) Any and all contract amendments or modifications for the aforementioned contracts enacted since July 1, 2025.
- (5) Records documenting any and all change orders for Indiana's integrated eligibility system since July 1, 2025.
- (6) Copies of cost estimates, proposals, or quotes, for any changes to Indiana's integrated eligibility system since July 1, 2025, to come into compliance with H.R.1 (OBBBA).

Upon receiving Complainant's request, Respondent reviewed the request and determined that certain aspects lacked reasonable particularity. On December 30, 2025, Respondent issued a response to Complainant, noting that her request had been received and was being processed.

Complainant had not received a response to her request as of April 2, 2026. Complainant filed a formal complaint on that date, alleging that Respondent had failed to comply within a reasonable timeframe. IC 5-14-3-3(b).

If a public agency does not deny an APRA request, within a reasonable time after the request is received by the 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).

APRA does not define the term "reasonable time." This office has 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.

In its response to the formal complaint, Respondent argues the following:

- (1) Respondent receives hundreds of APRA requests per year.
- (2) Respondent had received 487 APRA requests in 2025, and 103 were still pending at the time of their response.
- (3) Respondent must balance the necessity of APRA requests against the administration of the public benefit programs it manages.
- (4) Many of the documents requested had not been prepared prior to this request, but were being compiled for review despite not being previously prepared.

The Public Access Counselor has on numerous occasions opined that the public agency is not required to provide records that do not exist nor is it required to create such records. *Opinion of the Public Access Counselor 25-FC112*. However, the Respondent proceeded to compile documents that were either not yet prepared or in active deliberation in the interest of ensuring public access. Respondent expected to produce a partial submission of the requested records in mid-May 2026.

IC 5-14-3-7(a) provides “a public agency shall protect public records from loss, alteration, mutilation, or destruction, and regulate any material interference with the regular discharge of the functions or duties of the public agency or public employees.” This regulation on material interference, however, does not permit a public agency to unnecessarily delay access to public records, to comply where possible, or otherwise fail to clarify requests where necessary.

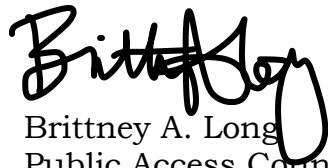
This office opines that:

- 1) Complainant’s request is broad and complex, but Respondent is actively compiling the requested documents.
- 2) Respondent manages significant other duties, including compliance with outstanding APRA requests and management of core public benefit programs.

- 3) Respondent failed to communicate to Complainant, in a timely manner, that parts of the request needed to be narrowed to provide reasonable particularity for the record search.
- 4) Respondent failed to provide those records readily available and provide the records as a partial fulfillment of the request.

CONCLUSION

This office opines that the Respondent did violate APRA, as alleged in the complaint, by failing to provide Complainant with copies of existing contracts and raising issues of reasonable particularity in an untimely manner.

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

Brittney A. Long
Public Access Counselor