



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 13, 2026

Re: Complaint 26-FC-203
Michael Endress (Complainant) v.
Indiana Department of Insurance (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 19, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on April 30, 2026, requesting a formal response by May 26, 2026. A formal response, submitted by Edward Fujawa, Deputy General Counsel, on behalf of Respondent, was received in this office on May 15, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to comply with two APRA requests dated March 27, 2026, and March 31, 2026.

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).

On March 25, 2026, Complainant spoke over email with Respondent's Consumer Services Consultant ("CSC"). During that conversation, which involved an ongoing consumer complaint investigation, Complainant stated:

“Would you please provide a [copy] of the exhibits IFM submitted with their response? I would like to review the specific documentation they are using to support a timeline that I have already proven is inaccurate.”

In response, CSC stated that she would reopen the file and send a rebuttal, but that it may be appropriate to subpoena the documentation, and even that may be excepted as work product. This response was specific to the ongoing consumer complaint investigation, and not intended to deny any existing APRA request. Complainant, however, argues that his initial email constituted an APRA request which CSC improperly denied. IC 5-14-3-3(a) states:

(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.

Respondent uses an online portal and digital form to receive and manage public records requests. As Complainant did not provide his initial March 25, 2026, request through the appropriate form under IC 5-14-3-3(a)(2), this office finds that the initial request does not constitute a valid APRA request. Accordingly, as no valid APRA request has been made, CSC’s response does not constitute an improper denial.

On March 26, 2026, Complainant emailed a “Formal Public Records Request (APRA)” to Respondent’s general email account. Respondent acknowledged receipt of Complainant’s request on March 27, 2026, and asked Complainant to also submit the request using the proper online portal. On March 27, 2026, Complainant filed his APRA request using the online portal. This request stated:

“This is a formal request under the Indiana Access to Public Records Act (IC 5-14-3) for the exhibits attached to the January 9, 2026, response from Indiana Farmers Mutual (IFM) regarding Problem Report #116378. Specifically, I am requesting: Exhibits A through E, including payment drafts, policy language, correspondence, photographs, and recorded statements.”

On March 31, 2026, Complainant submitted an additional request using Respondent’s online portal, stating:

“I am requesting the following public records created, received, or maintained by the Department between December 22, 2025, and the present date:

1. Third-party correspondence:
 - a. All electronic mail, written correspondence, and attachments exchanged between IDOI staff (including but not limited to [CSC]) and any representative of Indiana Farmers Mutual (IFM), including [specifically identified individuals].
2. Factual Communication Logs:
 - a. Any internal logs, calendar entries, or notes recording the date, time and participants of all telephone conversations or meetings between the IDOI and IFM regarding this matter.
3. Factual Summaries of Statements:
 - a. Any internal investigator notes, memos, or digital entries that record or summarize factual representations made by IFM staff to the Department during the course of this investigation.”

Complainant received an email confirming receipt and processing of this request. As of April 19, 2026, neither APRA request had been fulfilled.

Respondent stated in its formal response that it was working to compile and review the requested documents for inspection as of May 15, 2026. Complainant argues that Respondent was in violation of APRA when:

1. Respondent issued an improper denial of his request in CSC’s March 25, 2026, email;
2. Complainant’s APRA requests were no longer visible in Respondent’s online portal; and
3. Respondent failed to timely produce the requested records.

Complainant additionally alleges that Respondent improperly closed his consumer complaint file prior to the fulfillment of his APRA requests. The Office of the Public Access Counselor is not empowered under IC 5-14-4-10 to control Respondent’s process for investigating consumer complaints, nor the internal workings of the agency’s portal, and these issues will therefore not be addressed here.

As noted above, CSC’s March 25, 2026, email did not constitute a denial, as no APRA request had yet been made. Accordingly, this office does not find that Respondent violated APRA in that correspondence.

Respondent notes, in its response, that the “disappearance” of Complainant’s APRA requests is likely due to issues with the “organize by date” and “search” tools malfunctioning within Respondent’s APRA portal. Respondent further states that Complainant’s requested documents are still being compiled and reviewed, and thus, are not closed. This office reiterates that it does not have authority over the internal workings of the agency’s portal.

As of May 15, 2026, Respondent continues to work on fulfilling Complainant’s requests. 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 in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the provisions of APRA. 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, Respondent notes that “due to the volume of APRA requests pending before the [Respondent], this review is currently ongoing.” While Respondent has exceeded the observed 30-day timeframe, this office notes that Respondent continues to diligently process Complainant’s request. In light of Respondent’s continued efforts, and the short timeframe by which Respondent

has exceeded the observed thirty-day deadline, this office finds that Respondent did not violate APRA. This office would encourage Respondent to update Complainant as to when all or partial fulfillment of the request may be expected.

CONCLUSION

This office finds that the Respondent did not violate APRA, as alleged in the complaint.

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

Brittney A. Long
Public Access Counselor