



STATE OF INDIANA

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October 23, 2026

Re: Complaint 26-FC-204
Simon Poppeliers (Complainant) v.
Indiana University (Respondents)

This advisory opinion is issued in response to the above-referenced complaint filed on May 4, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondents on August 28, 2026, requesting a formal response by September 28, 2026. A formal response, submitted by General Counsel, Emily Stultz, on behalf of the Respondent was received in this office on September 28, 2026.

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

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." 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).

On January 15, 2026, Complainant submitted an APRA request to Respondent requesting:

"records of IUPD searches against licensed FLOCK Safety Systems performed in 2024 and 2025 that did not reference a case number in the "Reason" field of the search."

Respondent replied on February 25, 2026 stating,

“Records regarding IUPD searches in the FLOCK system are maintained by Flock. Therefore, Indiana University does not maintain any records responsive to your request below.”

Complainant initially reached out to this office on April 16, 2026 to file a complaint. However, it was insufficient and was finally accepted by this office on May 4, 2026. This office notes that Complainant filed his complaint untimely as it was not within thirty (30) days from the denial. IC 5-14-5-7. Therefore, this complaint is technically considered untimely. Nevertheless, for the purposes of clarification, this office will opine for educational purposes.

This office has on numerous occasions opined that a public agency is not required to create a record that does not exist, nor is it required to produce a record that it does not have. *Opinion of the Public Access Counselor 25-FC-136 & 25-FC-472*. A requester must request records from the agency which maintains the records. If an agency does not have the requested records, it is not required to provide those records.

Here, Respondent specifically notified Complainant that it did not maintain the requested records. It further informed Complainant what agency did maintain the records. If Respondent does not maintain the records, then it is not required to produce them.

CONCLUSION

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


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