**STATE OF INDIANA**
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October 19, 2026

Re: Complaint 26-FC-205
Paul Starkey (Complainant) v.
Shelburn Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 16, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on August 27, 2026, requesting a formal response by September 25, 2026. A formal response, submitted by Matthew Price, Town Marshal, on behalf of Respondent, was received in this office on September 17, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to fulfill Complainant's APRA request 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." 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 March 1, 2026, Complainant filed an APRA request with Respondent, requesting:

1. Records pertaining to the two Shelburn police officers parked in the Sullivan Walmart fire lane at 5:30 PM on February 14, 2026, in the

vehicle bearing Shelburn Police Registration #20800.

On March 10, 2026, Complainant requested an update on his request, as he had not received any reply. On March 11, 2026, Respondent responded to Complainant, stating that the request had been received, but only noticed that day as it had been misfiled into Respondent's spam folder. Complainant did not receive any further correspondence from Respondent following March 11, 2026 before filing the complaint.

Acknowledgement within 7 days

APRA states that if a person makes a request by phone or in person, the public entity needs to acknowledge the request within 24 hours. However, if a person submits the request by email, fax or postal mail, the public entity has seven (7) days to acknowledge the request. If the request is not acknowledged within these timeframes, it is considered a constructive denial. IC 5 14-3-4.4(c)(1) & (2).

Complainant made his APRA request on March 1, 2026, and did not receive a response until March 11, 2026. In its acknowledgment, Respondent noted that the request had mistakenly been filed as spam. This office notes that, as the acknowledgment was not made within 7 days, Respondent violated APRA. This office encourages Respondent to take all steps necessary to ensure APRA requests are not misfiled in the future.

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 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*.

Respondent has not asserted any of the above reasons justifying why it failed to respond to Complainant's APRA request within 30 days. Accordingly, this office finds that Respondent violated APRA in failing to fulfill or formally deny Complainant's request in a reasonable time.

**CONCLUSION**

This office finds that Respondent did violated APRA as asserted in the complaint. This office will note that Respondent did provide a response to Complainant on September 17, 2026, the same date it provided its formal response to this office.

Brittney A. Long
Public Access Counselor