



STATE OF INDIANA

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October 22, 2026

Re: Complaint 26-FC-219

Alexandro Carrillo (Complainant) v.
Indiana Bureau of Motor Vehicles (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 22, 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 response from Jack Silva, Staff Attorney, on behalf of Respondent was received by this office on May 7, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by not issuing a formal denial and by not citing any specific statutory exemption.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with the 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).

Complainant filed an APRA request with Respondent on March 12, 2026. Per the Complainant, he requested:

“all records documenting disclosures of my personal information from my motor vehicle and driver records, including: • The identity

of each requesting entity (name, address, business type) • The date Of each disclosure • The stated DPPA permissible use purpose code for each request • Whether disclosures were one-time requests or part Of bulk data purchase agreements • Any contracts or ongoing access arrangements”

Per the Respondent, the request was for:

“Please supply all records reflecting disclosures of personal information associated with my driver license number 3920-33-1125, date of birth 12/11/1991 from the BMV motor vehicle records, including the identity of requesting entities, dates, and stated DPPA purpose codes. Any contracts or agreements the BMV has with entities for ongoing/bulk access to driver data. If any portion is denied, please identify the specific statutory exemption being claimed.”

On March 12, 2026 at 1:33 p.m., Respondent notified Complainant it could not move forward with the request because,

“The BMV does not have any records responsive to your request. As the BMV does not record or maintain records that would satisfy your request, none can be provided. The BMV discloses data as required by state and federal law, as detailed in IC 9-14-13 and 18 USC 2721(b). In addition, all bulk data contracts BMV currently has are available to view on the Indiana Transparency Portal, located at: <https://www.in.gov/itp/>.”

In its formal response, Respondent holds it does not maintain a summary document for each customer detailing when that individual’s data is sent, sold, or transferred. It acknowledges that it does have bulk data contracts which may transmit driver data, but that the individualized data is not catalogued in such a manner. Respondent provided Complainant a link to the transparency portal in its denial which contains all of the bulk data contracts Respondent is a party to.

Respondent does address that the complaint request is different from the initial request. It states that even if the Complainant had made the request he puts forth in this complaint, Respondent could still not produce the records because it does not have any documents responsive to the request. Respondent notes that it would have to create the document to respond to the request.

This office has routinely opined that public agencies are “not required to

compile or create a record to satisfy a person's request for information. Rather, the APRA requires that a public agency make available its current records." *Opinion of the Public Access Counselor 25-FC-136, 25-FC-298, quoting 06-FC-196.*

Earlier this year, this office opined on a similar situation and provided,

"A public agency is not required to create a list of names and addresses nor publish and disseminate such information. The agency is required to allow a person to inspect such a list, only if it is already created. [IC] 5-14-3-3(f). Public agencies are not required to reprogram a computer system to provide enhanced access. [IC] 5-14- 3-6(d)(1)."

"Furthermore, the Public Access Counselor has previously determined a "public agency is not required to compile or create a record to satisfy a person's request for information. Rather, the APRA requires that a public agency make available its current records." See *Opinion of the Public Access Counselor 06-FC-196.*"

Opinion of the Public Access Counselor 26-FC-035 & 26-FC-086, quoting 15-FC-79, 15-FC-52, and 25-FC-136.

Respondent provided Complainant access to its current records that are responsive to the request when it provided the link to the list of bulk data contracts it is a party to.

This office will not go against its prior opinions and require the creation of a record in order to fulfill an APRA request.

CONCLUSION

This office opines that 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, looped "B" and a long, sweeping underline.

Brittney A. Long
Public Access Counselor