



STATE OF INDIANA

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October 27, 2026

Re: Complaint 26-FC-234
Brandt Carrico (Complainant) v.
St. Joseph County (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed April 30, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on May 12, 2026, requesting a formal response by June 10, 2026. A formal response, submitted by Attorney Stephanie Nemeth, Attorney to the St. Joseph County Sheriff on behalf of Respondent, was received by this office on June 10, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records.

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).

Complainant filed an initial request, on March 27, 2026, for copies of records under APRA. Complainant’s request sought a copy of his pre-employment records as set forth below:

1. Complete written examiner’s reports for both examinations.
2. All polygraph charts, tracings and score sheets.
3. All handwritten or electronic notes, all pre-test, in-test and post-test documentation.

4. All questions presented to examinee.
5. Any audio or video recordings, if created.
6. Any documents required to be retained under IC 25-30 (Indiana Polygraph Examiner Licensing).

After some initial confusion as to where the request should be referred, it was referred to the St. Joseph County Sheriff by separate APRA request on April 10, 2026. Complainant asserts that no acknowledgement was received according to statute within seven (7) days of the request. However, Complainant does state that he contacted the records department by phone and was referred to the County Sheriff's Office. No time frame was given for the date of this call and therefore we are unable to determine compliance with the statute.

On May 5, 2026, a response was provided to Complainant notifying him that his request had been denied, at the discretion of the public agency, pursuant to IC 5-14-3-4(b) and IC 5-14-3-4(b)(8).

APRA provides that the following records shall be excepted from disclosure at the discretion of the public agency:

8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(emphasis added) IC 5-14-3-4(b)(8).

The personnel file is required to be provided to the individual, whose is the subject of the file, when requested under section 4(b)(8). The records being

sought should have, for the most part, been a part of the Complainant's personnel file and therefore disclosable to Complainant.

Respondent also cites IC 5-14-3-4(b)(3) as authority to withhold information from disclosure at the discretion of the agency. Section 4(b)(3) reads:

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again. (emphasis added).

Complainant sought information regarding his personnel file after the examinations were completed. The statute above only gives discretion to the public agency to deny access to the requested information before the examination is given, for what would be obvious reasons. We determine that Respondent failed to provide the requested records pursuant to APRA.

CONCLUSION

This office finds that the Respondent did violate APRA as alleged in the complaint.

A handwritten signature in black ink, appearing to read "Brittney A. Long", is written over a horizontal line.

Brittney A. Long
Public Access Counselor