



STATE OF INDIANA

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October 27, 2026

Re: Complaint 26-FC-241
Susan Murphy (Complainant) v.
Indianapolis Animal Care Services (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed May 1, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on May 13, 2026, requesting a formal response by June 11, 2026. A formal response, submitted by Adam Wicker, Deputy Chief Counsel, on behalf 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 April 2, 2026, for copies of records under APRA. Complainant’s request sought a copy of his pre-employment records as set forth below:

1. *“The complete Chameleon-generated euthanasia report for all canines euthanized by IACS staff or on behalf of IACS if an outside veterinary clinic, ACO in the field, etc., for the dates from 3/1/2026 to 3/31/2026.*
2. *Further, for each animal included;*
 - i. *Animal ID*

- ii. *Name of Animal (if available)*
- iii. *Photo of Animal (if available)*
- iv. *Complete medical record*
- v. *Complete kennel observations/behavior record*
- vi. *Date of euthanasia*
- vii. *IACS status of animal prior to euthanasia*
- viii. *Reasons/circumstances warranting euthanasia*

On April 9, 2026, Respondent provided Complainant with a response indicating that after reviewing the request and its files, it “has determined there are no public records that are responsive to your request.”

It further states,

“Indianapolis Animal Care Services does not maintain a single report or record that captures the requested information in the format described. While certain elements may exist within our systems, fulfilling the request as written would require creating a new report or compiling information across multiple records, which is not required under the Indiana Access to Public Records Act.”

The Respondent specifically points out that the veterinary medical records are “confidential under state law and will not be disclosed.” The request for “complete kennel observations/behavior records” is “overly broad” and asked for clarification if she is requesting a specific type of record. With regards to the animal photographs, Respondent informs Complainant that they are “not maintained in a format that allows for bulk retrieval tied to this request.”

Complainant alleges Respondent violated APRA because the response did not contain a statutory authority allowing it to deny the records and that it was not signed by the individual responsible for denying the records. Furthermore, Complainant claims Respondent’s position that it does not “maintain a single report or record that captures the requested information” is false because she received records similar to this request in January and February. Prior to the April 2, 2026 request, a different person was in charge of responding to APRA requests. However, on April 2, 2026, a new individual was responsible for responding and had not reviewed Complainant’s prior requests and responses.

In its formal response, Respondent concedes that the original response did not provide a citation to the reason for withholding and that it did not provide the individuals name and title.

However, Respondent indicates upon receipt of this complaint it reviewed the April 9, 2026 response and issued a follow-up on June 8, 2026 to Complainant. This follow up provided an explanation, with citations, as to why records were being withheld. It also reported that in the past, a Shelter History

Report was provided to Complainant to satisfy the “euthanasia report” request. The Shelter History Report was provided to Complainant on June 8, 2026. Respondent recognizes that the Shelter History Report is not a “euthanasia report” but does contain some of the information requested.

Respondent further provides that because no specific “euthanasia report” exists, it is not required to provide citing *Opinion of the Public Access Counselor 25-FC-177*.

Finally, Respondent cites IC 25-38.1-4-5.5 for withholding the animal’s veterinary medical records and medical conditions as confidential and cannot be given or discussed with anyone besides the owner and other veterinarians involved in the care of the animal.

The June 8, 2026 follow-up further states “if there are additional records you seek, can you clarify or identify what those are? If we don’t hear from you within thirty (30) days, we will consider this request completed and closed.” There is no information before this office that Complainant made contact with Respondent within the thirty (30) days.

Under Indiana Code 5-14-3-1, the “burden of proof for the nondisclosure of a public record” rests with the public agency. See *Opinion of the Public Access Counselor 15-FC-334*.

“This office has consistently interpreted this provision to require a public agency to cite a specific provision of Indiana Code as the grounds for nondisclosure. Any failure to cite code would therefore be improper.” Id.

Furthermore, APRA provides that when a request,

“is made in writing, by facsimile, or through enhanced access, ... a public agency may deny the request if:

- 1) The denial is in writing or by facsimile; and*
- 2) The denial includes:*
 - a. A statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and*
 - b. The name and the title or position of the person responsible for the denial.”*

IC 5-14-3-9(d).

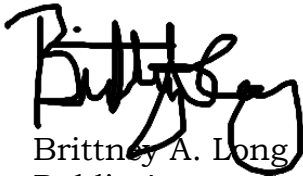
Here, in its initial response to Complainant, Respondent did not cite a specific provision of Indiana Code for the grounds to withhold the requested records. Nor did Respondent provide the name and title/position of the person

responsible for the denial. Therefore, the withholding was improper.

However, since the filing of the complaint. Respondent has amended its response to Complainant and appropriately provides a citation for withholding documents, provides other documents, and provides the name and title/position of the person denying the release of the records that are being withheld.

CONCLUSION

For the above reasons, this office opines that Respondent initially withheld the information improperly and violated APRA. However, it has remedied its failure by providing the June 8, 2026 response to the Complainant.

A handwritten signature in black ink, appearing to read "Brittney A. Long", written over a printed name.

Brittney A. Long
Public Access Counselor