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October 27, 2026

Re: Complaint 26-FC-287
Kayla Coleman (Complainant) v.
Jennings County Auditor's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on May 28, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on June 2, 2026, requesting a formal response by July 1, 2026. A formal response, submitted by attorney Alex Zimmerman, Jennings County Council, on behalf of Respondent, was received in this office on July 1, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) when it failed to livestream it's May 12, 2026, County Council Meeting, and the Access to Public Records Act (APRA) when it failed to produce requested documents in a reasonable time.

ANALYSIS

Open Door Law Ind. Code 5-14-1.5

ODL requires public agencies to conduct and take official actions openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. As a result, ODL requires all meetings of the governing bodies of public agencies to be open at all times to allow members of the public to observe and record the proceedings. IC 5-14-1.5-3(a).

Respondent is a public agency for purposes of ODL, and therefore, subject to the requirements. IC 5-14-1.5-2(a)(1). As a result, unless an exception applies, all meetings of Respondent should be posted by notice and open to the public.

On May 12, 2026, Respondent conducted a properly noticed County Council Meeting. Respondent utilizes YouTube in order to stream its public meetings in compliance with IC 5-14-1.5-2.9(c). On this date, Respondent commenced its

meeting and began the YouTube livestream. Approximately eleven (11) seconds into the recording, the livestream failed. The equipment used to livestream the meeting was working correctly, though later review showed that YouTube was experiencing higher than usual technical issues. The livestream failure was not remedied, and as this system is also used to record the meeting, neither a livestream nor a recording was available.

Complainant alleges that Respondent violated ODL when it failed to maintain a livestream of the meeting, nor a recording of that meeting. Respondent alleges that this failure was not intentional, and rather was the result of a technological failure. IC 5-14-1.5-2.9(g) speaks directly on this issue:

> *(g) A technological failure that disrupts or prevents the governing body from live streaming, recording, archiving, or maintaining a copy of a live transmission or recording of a meeting does not:*
>
> *(1) prevent the governing body from conducting the meeting;*
> *(2) affect the validity of an action taken by the governing body at the meeting;*
> *(3) violate this chapter or any statute concerning the retention, preservation, or production of public records; or*
> *(4) subject any person to civil or criminal liability.*

Here, Respondent made every reasonable effort to livestream and record the County Council Meeting. Due to technological issues, both the livestream and recording failed. As IC 5-14-1.5-2.9(g)(3) specifically states that a public agency that experiences a technological failure is not in violation of ODL as a result of that technological failure, this office opines that Respondent did not violate ODL as alleged.

Access to Public Records Act Ind. Code 5-14-3

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." 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 May 14, 2026, Complainant filed an APRA request with Respondent, requesting:

- "A copy of any video recording of the meeting;
- Draft minutes or any notes reflecting actions taken during the meeting;
- Any other records documenting what occurred during the meeting; and
- An explanation as to why no public record of the meeting had been made available."

Respondent responded to Complainant's APRA request within 3 hours of receiving it. Respondent had not fulfilled the request on or by May 28, 2026, the date this complaint was filed.

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.

The requested records were provided approximately 45 days following Complainant's request. While the generally observed timeframe is 30 days, this office opines that 45 days is not inherently unreasonable. Further, as the records requested were produced by Respondent and received by Complainant,

this office notes that the matter has been efficiently closed. Accordingly, this office opines that Respondent did not violate APRA as alleged in the complaint.

CONCLUSION

This office opines that Respondent did not violate ODL as alleged in the complaint.

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

Brittney A. Long
Public Access Counselor