



# STATE OF INDIANA

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Bob Segall  
WTHR-TV Indianapolis

VIA EMAIL: [bob.segall@wthr.com](mailto:bob.segall@wthr.com)

**RE: 22-INF-9; Reasonable particularity of requests for emails**

Dear Mr. Segall,

This informal opinion revisits the Access to Public Records Act's (APRA) reasonable particularity standard as it applies to requests for a public agency's emails.

## BACKGROUND

During the summer of 2022, you requested emails, text messages, and telephone voice messages from the Office of the Attorney General (OAG) regarding a specific, identified subject matter. The timeframe for your request spanned 13 days.

This informal opinion addresses the email portion of your request. Although you did not identify a specific sender in the request, you limited the recipients to the OAG's two main public inboxes. The general inbox web portals are linked on the OAG's website for any constituent—including the media—to submit questions and concerns. Presumably, you are interested in the nature and tone of the comments submitted as it relates to the subject matter you identified. Even though you received confirmation that the public used these portals to comment, you do not know—simply stated—the identity of those submitting comments.

The OAG invited you to resubmit your request with identified senders and recipients. The timeframe and subject matter are not contested here. Historically, this office has acknowledged four parameters (sender, recipient, timeframe, and subject matter) that are helpful in making a request for emails reasonably particular under APRA.

Your inquiry is twofold. First, you question whether all four historically referenced considerations are absolutely required when other components are much more specific. Second, you inquire whether the general inbox of a public official satisfies the “recipient” factor.

## ANALYSIS

### 1. The Access to Public Records Act (APRA)

The Access to Public Records Act (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.” Ind. Code § 5-14-3-1. The Office of the Attorney General (OAG) is a public agency for purposes of APRA; and therefore, subject to its requirements. *See* Ind. Code § 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy the OAG’s public records during regular business hours. Ind. Code § 5-14-3-3(a). Indeed, APRA contains mandatory exemptions and discretionary exceptions to the general rule of disclosure. *See* Ind. Code § 5-14-3-4(a) to -(b).

Under APRA, all requests for public records must be reasonably particular in order for the public agency to locate, retrieve and produce records responsive to the request. *See* Ind. Code § 5-14-3-3(a).

Requests for emails can present several problematic challenges for a public agency. Given the sheer amount of electronic data on an email server, a confusing or ambiguous request could take a significant amount of time to produce. An unfocused search can take time away from an agency’s other core duties, as well as cannibalize other constituents’ concerns.

Toward that end, this office has cobbled together a patchwork of recommendations that help guide requests for emails generally. Hence the four search parameters: (1) sender; (2) recipient; (3) concise timeframe; and (4) subject matter. Unfortunately, this guidance has been taken by some agencies to apply universally as a one-size-fits-all test as to the particularity of a request. Indeed, these parameters can be useful to deflect those requesters whose purpose it is to frustrate an agency by sending it on a wild goose chase. But that is not the case here.

These search parameters are intended to be guardrails but not hard-and-fast rules. Each request should be evaluated on a case-by-case basis. Therefore, to your first inquiry, relatively specific descriptions of three factors can make up for a fourth factor that might not be as specific.

ARPA’s standard is “reasonable particularity.” The standard is not absolute pinpoint accuracy. This is especially true in situations where there is no practical way for the public to know an aspect of a search.

Here, the request included identified recipients: two email accounts. Your subject matter is adequately described, and your timeframe is a very concise two weeks. Given the search technology available today, a search would not be an overly cumbersome task for an agency.

While technology has evolved to make searches more practical with the ability to focus on keyword hits or parameters, the agency still must cull those records that are exempted or excepted from disclosure under APRA. In this case, however, there would not be any constituent emails that would require any measure of redaction beyond home address and perhaps home telephone number. Constituent correspondence does not automatically fall into any recognized APRA exception to disclosure.

Although undefined by APRA, the Indiana Court of Appeals addressed the issue of reasonable particularity in *Jent v. Fort Wayne Police Dept.*, 973 N.E.2d 30 (Ind. Ct. App. 2012), and *Anderson v. Huntington County Bd. of Com'rs.*, 983 N.E.2d 613 (Ind. Ct. App. 2013). These cases are often used as a cudgel against requesters to deny any request that appears on its face to be inconvenient or politically inexpedient.

At their core, however, these cases do not stand for the proposition that a requester must be clairvoyant or have insider knowledge of unattainable details in order to craft an appropriate request. Instead, reasonableness simply implies a degree of practicality. Your request is far from blindly throwing darts. It should give the OAG enough to initiate a search without kneecapping their operations.

I do believe that voluminous records requests can meet a pragmatic and reasonable standard. Agencies are required to satisfy voluminous requests so long as it meets APRA's reasonable particularity standard. Some requests are indeed untenable and the big four parameters are useful in situations where a request is truly a universal blanket ask.

This is not one of those requests. My recommendation is that the OAG implement a search for the requested records and produce the yield of that search to you in a timely manner consistent with the law.

## CONCLUSION

Based on the foregoing, it is the opinion of this office that the request for emails in this case satisfied APRA's reasonable particularity standard. The four factors in the reasonable particularity analysis of a request for emails are helpful guidelines but are not absolute. As almost every other aspect of public access, there are rarely black and white unconditional rules. Rather, the context and circumstances inform the way forward for a search.



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