



**OFFICE OF THE PUBLIC ACCESS COUNSELOR
FORMAL COMPLAINT**

State Form 49407 (R7 / 4-23)

OFFICE OF THE PUBLIC ACCESS COUNSELOR

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INSTRUCTIONS: This form is to be used only when filing complaints under Indiana Code 5-14-5. All information provided is disclosable under the Access to Public Record Act. **PLEASE TYPE OR PRINT.**

FOR OFFICE USE ONLY

Date received (month, day, year)	Complaint number	Date due (month, day, year)
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COMPLAINANT INFORMATION

Name (last, first, middle initial) Askins, David M.			
Address (number and street) 110 1/2 E. 6th St. Apt. A		City Bloomington	State Indiana
Telephone number (734)645 2633		Fax number ()	E-mail address dave@bsquarebulletin.com

INFORMATION ABOUT PUBLIC AGENCY DENYING ACCESS

Name of public agency			
Address (number and street)		City	State
Telephone number ()		Fax number ()	E-mail address

Name of elected / appointed official or presiding officer responsible for the denial

COMPLAINT (Check all that apply.)

- | | |
|---|---|
| <input type="checkbox"/> Open Door Law Violation | <input checked="" type="checkbox"/> Access to Public Records Act Violation |
| <input type="checkbox"/> Executive Session | <input checked="" type="checkbox"/> Denial of Access |
| <input type="checkbox"/> Notice | <input type="checkbox"/> Denial of Electronic Access |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| | <input type="checkbox"/> Copy Fee |

IMPORTANT

Date denied access to public record (month, day, year)	Date notified of denial of access to meeting (month, day, year)
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Please describe denial of access to meeting or public records below. Attach additional sheets if necessary. (Required)

On May 22, 2025 the city of Bloomington responded to records request number 25-239, which was worded as follows: "I would like a copy of the applications that have been submitted for appointment to the city's Transportation Commission from Feb. 13, 2025 through May 20, 2025."

The city's response provided records with portions that were redacted, specifically for the street address, email address, and phone number of applicants. Cited as justification for the redactions were two portions of the APRA: IC 5-14-3-4(b)(19) and IC 5-14-3-4(b)(20).

The first does not survive a straight-face test, because disclosure of the redacted information would not create "a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack." The second is an impermissible expansion of the exception for utilities customers as determined by PAC Opinion #06-FC-208. Further, at least one of the applicants is not a customer of city utilities. Therefore, the city of Bloomington cannot meet its burden of proof under the APRA and should be required to produce the records without redaction.

A representative redaction and the cover message indicating the claimed reasons for redaction are attached as exhibits.

PLEASE ATTACH COPIES OF ANY WRITTEN DENIAL OR DOCUMENTATION CONCERNING DENIAL.

Signature 	Date (month, day, year)
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