



May 9, 2024

VIA FACSIMILE

Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, 5th Floor
Indianapolis, IN 46204
Facsimile: (317) 232-7979

Re: Public Records Request

Dear Public Official:

Pursuant to the Indiana Access to Public Records Act (APRA), Ind. Code § 5-14-3-1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Indiana Attorney General produce the following records within seven days:

1. Any final policies or procedures governing or reflecting any of the following: (a) the creation or operation of the “Eyes on Education” portal, and (b) the review or investigation of any submissions received through the portal (including, but not limited to, records concerning the documentation, categorization, or preservation of any received submissions; the process for investigating, corroborating, or determining the credibility of received submissions; and the process for determining whether a received submission warranted any further review, investigation, or other action).
2. All records provided by—or provided on behalf of—the Office of the Indiana Attorney General to any entity or individual outside of the Office of the Indiana Attorney General related to the creation or operation of the “Eyes on Education” portal, including, but not limited to, operations, protocols, due process requirements, or other information regarding the creation, operation, organization, or administration of the portal; information compiled from any collected submissions, including, but not limited to, final memoranda, analyses or assessments of submissions, and data visualizations; and the product of any review or investigation of submissions received through the portal.
3. Records sufficient to identify all expenses and costs incurred or paid by the Office of the Indiana Attorney General in order to develop, launch, and operate the “Eyes on Education” portal.



To the extent that your office maintains aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent that your office does not have an aggregated record of these costs, American Oversight requests records reflecting such costs, such as receipts, invoices, charge card or credit card statements, or reimbursement requests.

4. All dissent memoranda or complaints, including ethics or whistleblower complaints, submitted to the relevant office(s) in your agency regarding any matters concerning the “Eyes on Education” portal.

American Oversight requests only complaints submitted by Indiana employees, appointees, or contractors. To be clear, American Oversight is not asking your agency to release the names of any individuals who have submitted responsive complaints and does not object to the withholding of the name of any individual submitting a complaint.

For all parts of this request, please provide all responsive records from January 1, 2024, through the date the search is conducted.

Pursuant to Ind. Code § 5-14-3-8(b), American Oversight asks that no fees be charged in connection with searching for or reviewing potentially responsive records. To the extent your office anticipates charging any copying fees for this request in excess of \$100, please notify us prior to incurring such fees.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter.com direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all

prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as, where relevant, personal email accounts or text messages.¹
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.² If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public

¹ See Opinion of Public Access Counselor, 22-FC-13 (2022); see also Informal Inquiry Response of Public Access Counselor, 16-INF-30 (2016).

² Ind. Code § 5-14-3-6(a).

website and promotes their availability on social media platforms, such as Facebook and Twitter.com.³

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Ben Sparks at records@americanoversight.org or (202) 873-1741.

Sincerely,

/s/ Ben Sparks
Ben Sparks
on behalf of
American Oversight

³ American Oversight currently has approximately 16,000 followers on Facebook and 111,300 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 19, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Mar. 19, 2024).