



February 20, 2026

ENGROSSED

HOUSE BILL No. 1360

DIGEST OF HB 1360 (Updated February 19, 2026 10:31 am - DI 119)

Citations Affected: IC 5-14; IC 9-26.

Synopsis: Access to public records. Allows a public agency to establish and maintain an electronic portal for submission of public records requests that: (1) incorporates CAPTCHA or an equivalent mechanism for ensuring that a requestor is a human; (2) requires verification of a requestor's physical address; (3) indicates to the public agency whether the requestor is a resident of Indiana; and (4) automatically tracks and reports submissions suspected to be automated or to have originated from known sources of phishing or data scraping. Provides that a public agency may deny a public record request if the request: (1) is made by a person that is a party to pending or ongoing litigation; and (2) is duplicative of a discovery request made by the person in the pending or ongoing litigation. Provides that: (1) a public agency may decline to respond to a public records request if the
(Continued next page)

Effective: July 1, 2026.

Lehman, Carbaugh, Porter, Miller D

(SENATE SPONSOR — BROWN L)

January 8, 2026, read first time and referred to Committee on Government and Regulatory Reform.

January 22, 2026, amended, reported — Do Pass.

January 27, 2026, read second time, amended, ordered engrossed.

January 28, 2026, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 2, 2026, read first time and referred to Committee on Commerce and Technology.

February 19, 2026, amended, reported favorably — Do Pass.

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public agency suspects: (A) the request to be data scraping or phishing activity; or (B) that responding to the request electronically may: (i) expose the public agency's electronic systems or data to unauthorized access or alteration; or (ii) otherwise jeopardize the security of the public agency's electronic systems or data; and (2) if the public agency declines to respond to the request, the public agency must report: (A) the request; and (B) the public agency's reason for declining to respond to the request; to the public access counselor. Allows a public agency to collect a supplemental fee for processing public records requests submitted by non-Indiana residents or out-of-state entities. Allows a public agency to give priority in fulfilling public records requests to: (1) Indiana residents; and (2) requests submitted for civic, journalistic, academic, or personal use. Requires public agencies to report to the public access counselor regarding public records requests suspected of being automated, data scraping activity, or phishing activity (suspect public records requests). Provides that the general assembly may establish reasonable and narrowly tailored procedural safeguards to preserve the integrity and availability of public agency resources. Requires the public access counselor to: (1) take specified actions with regard to identifying excessive and suspect public records requests; and (2) include in the public access counselor's annual report: (A) information regarding the volume and nature of public records requests received by public agencies, including information regarding suspect public records requests reported by public agencies; and (B) recommendations to the general assembly regarding statutory or administrative remedies to excessive and suspect public records requests.



February 20, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1360

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-14-3-2, AS AMENDED BY P.L.64-2023,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 2. (a) The definitions set forth in this section apply
4 throughout this chapter.
5 (b) "Copy" includes transcribing by handwriting, photocopying,
6 xerography, duplicating machine, duplicating electronically stored data
7 onto a disk, tape, drum, or any other medium of electronic data storage,
8 and reproducing by any other means.
9 (c) "Criminal intelligence information" means data that has been
10 evaluated to determine that the data is relevant to:
11 (1) the identification of; and
12 (2) the criminal activity engaged in by;
13 an individual who or organization that is reasonably suspected of
14 involvement in criminal activity.
15 (d) **"Data scraping" means use of an automated system to**
16 **extract data from websites and other Internet accessible sources.**
17 (e) "Direct cost" means one hundred five percent (105%) of the

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- 1 sum of the cost of:
- 2 (1) the initial development of a program, if any;
- 3 (2) the labor required to retrieve electronically stored data;
- 4 (3) the labor required to:
- 5 (A) obscure nondisclosable information; and
- 6 (B) perform an administrative review to determine if all
- 7 nondisclosable information has been obscured;
- 8 in a law enforcement recording; and
- 9 (4) any medium used for electronic output;
- 10 for providing a duplicate of electronically stored data onto a disk, tape,
- 11 drum, or other medium of electronic data retrieval under section 8(g)
- 12 of this chapter, or for reprogramming a computer system under section
- 13 6(c) of this chapter. However, if the labor described in subdivision (3)
- 14 is performed by an attorney, the cost under subdivision (3) may not
- 15 exceed reasonable attorney's fees.
- 16 ~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a
- 17 public agency from an electronic geographic information system.
- 18 ~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record
- 19 by a person other than a governmental entity and that:
- 20 (1) is by means of an electronic device other than an electronic
- 21 device provided by a public agency in the office of the public
- 22 agency; or
- 23 (2) requires the compilation or creation of a list or report that does
- 24 not result in the permanent electronic storage of the information.
- 25 ~~(g)~~ **(h)** "Facsimile machine" means a machine that electronically
- 26 transmits exact images through connection with a telephone network.
- 27 ~~(h)~~ **(i)** "Inspect" includes the right to do the following:
- 28 (1) Manually transcribe and make notes, abstracts, or memoranda.
- 29 (2) In the case of tape recordings or other aural public records, to
- 30 listen and manually transcribe or duplicate, or make notes,
- 31 abstracts, or other memoranda from them.
- 32 (3) In the case of public records available:
- 33 (A) by enhanced access under section 3.5 of this chapter; or
- 34 (B) to a governmental entity under section 3(c)(2) of this
- 35 chapter;
- 36 to examine and copy the public records by use of an electronic
- 37 device.
- 38 (4) In the case of electronically stored data, to manually transcribe
- 39 and make notes, abstracts, or memoranda or to duplicate the data
- 40 onto a disk, tape, drum, or any other medium of electronic
- 41 storage.
- 42 ~~(i)~~ **(j)** "Investigatory record" means information compiled in the



1 course of the investigation of a crime.

2 ~~(j)~~ **(k)** "Law enforcement activity" means:

- 3 (1) a traffic stop;
 4 (2) a pedestrian stop;
 5 (3) an arrest;
 6 (4) a search;
 7 (5) an investigation;
 8 (6) a pursuit;
 9 (7) crowd control;
 10 (8) traffic control; or
 11 (9) any other instance in which a law enforcement officer is
 12 enforcing the law.

13 The term does not include an administrative activity, including the
 14 completion of paperwork related to a law enforcement activity, or a
 15 custodial interrogation conducted in a place of detention as described
 16 in Indiana Evidence Rule 617, regardless of the ultimate admissibility
 17 of a statement made during the custodial interrogation.

18 ~~(k)~~ **(l)** "Law enforcement recording" means an audio, visual, or
 19 audiovisual recording of a law enforcement activity captured by a
 20 camera or other device that is:

- 21 (1) provided to or used by a law enforcement officer in the scope
 22 of the officer's duties; and
 23 (2) designed to be worn by a law enforcement officer or attached
 24 to the vehicle or transportation of a law enforcement officer.

25 ~~(l)~~ **(m)** "Offender" means a person confined in a prison, county jail,
 26 detention facility, penal institution, or in a community corrections
 27 program as the result of the person's arrest or conviction for a crime.

28 ~~(m)~~ **(n)** "Patient" has the meaning set out in IC 16-18-2-272(d).

29 ~~(n)~~ **(o)** "Person" means an individual, a corporation, a limited
 30 liability company, a partnership, an unincorporated association, or a
 31 governmental entity.

32 **(p) "Phishing" means a method of obtaining information
 33 through fraud in which the sender of a communication
 34 intentionally misrepresents the identity of the sender in order to
 35 induce the recipient of the communication to:**

- 36 **(1) divulge the information to the sender; or**
 37 **(2) take an action that allows the sender access to the**
 38 **information.**

39 ~~(o)~~ **(q)** "Private university police department" means the police
 40 officers appointed by the governing board of a private university under
 41 IC 21-17-5.

42 ~~(p)~~ **(r)** "Provider" has the meaning set out in IC 16-18-2-295(b) and



1 includes employees of the Indiana department of health or local boards
 2 of health who create patient records at the request of another provider
 3 or who are social workers and create records concerning the family
 4 background of children who may need assistance.

5 (s) "Public agency", except as provided in section 2.1 of this
 6 chapter, means the following:

7 (1) Any board, commission, department, division, bureau,
 8 committee, agency, office, instrumentality, or authority, by
 9 whatever name designated, exercising any part of the executive,
 10 administrative, judicial, or legislative power of the state.

11 (2) Any:

12 (A) county, township, school corporation, city, or town, or any
 13 board, commission, department, division, bureau, committee,
 14 office, instrumentality, or authority of any county, township,
 15 school corporation, city, or town;

16 (B) political subdivision (as defined by IC 36-1-2-13); or

17 (C) other entity, or any office thereof, by whatever name
 18 designated, exercising in a limited geographical area the
 19 executive, administrative, judicial, or legislative power of the
 20 state or a delegated local governmental power.

21 (3) Any entity or office that is subject to:

22 (A) budget review by either the department of local
 23 government finance or the governing body of a county, city,
 24 town, township, or school corporation; or

25 (B) an audit by the state board of accounts that is required by
 26 statute, rule, or regulation.

27 (4) Any building corporation of a political subdivision that issues
 28 bonds for the purpose of constructing public facilities.

29 (5) Any advisory commission, committee, or body created by
 30 statute, ordinance, or executive order to advise the governing
 31 body of a public agency, except medical staffs or the committees
 32 of any such staff.

33 (6) Any law enforcement agency, which means an agency or a
 34 department of any level of government that engages in the
 35 investigation, apprehension, arrest, or prosecution of alleged
 36 criminal offenders, such as the state police department, the police
 37 or sheriff's department of a political subdivision, prosecuting
 38 attorneys, members of the excise police division of the alcohol
 39 and tobacco commission, conservation officers of the department
 40 of natural resources, gaming agents of the Indiana gaming
 41 commission, gaming control officers of the Indiana gaming
 42 commission, and the security division of the state lottery



1 commission.
 2 (7) Any license branch operated under IC 9-14.1.
 3 (8) The state lottery commission established by IC 4-30-3-1,
 4 including any department, division, or office of the commission.
 5 (9) The Indiana gaming commission established under IC 4-33,
 6 including any department, division, or office of the commission.
 7 (10) The Indiana horse racing commission established by IC 4-31,
 8 including any department, division, or office of the commission.
 9 (11) A private university police department. The term does not
 10 include the governing board of a private university or any other
 11 department, division, board, entity, or office of a private
 12 university.

13 (†) (t) "Public record" means any writing, paper, report, study, map,
 14 photograph, book, card, tape recording, or other material that is
 15 created, received, retained, maintained, or filed by or with a public
 16 agency and which is generated on paper, paper substitutes,
 17 photographic media, chemically based media, magnetic or machine
 18 readable media, electronically stored data, or any other material,
 19 regardless of form or characteristics.

20 (‡) (u) "Standard-sized documents" includes all documents that can
 21 be mechanically reproduced (without mechanical reduction) on paper
 22 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 23 and one-half (8 1/2) inches by fourteen (14) inches.

24 (†) (v) "Trade secret" has the meaning set forth in IC 24-2-3-2.

25 (†) (w) "Work product of an attorney" means information compiled
 26 by an attorney in reasonable anticipation of litigation. The term
 27 includes the attorney's:

- 28 (1) notes and statements taken during interviews of prospective
 29 witnesses; and
 30 (2) legal research or records, correspondence, reports, or
 31 memoranda to the extent that each contains the attorney's
 32 opinions, theories, or conclusions.

33 This definition does not restrict the application of any exception under
 34 section 4 of this chapter.

35 SECTION 2. IC 5-14-3-3.3 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2026]: **Sec. 3.3. (a) A public agency may establish and maintain
 38 an electronic portal for submission of public records requests that:**

- 39 **(1) incorporates Completely Automated Public Turing test to
 40 tell Computers and Humans Apart (CAPTCHA) or an
 41 equivalent mechanism for ensuring that a requestor is a
 42 human;**



- 1 **(2) requires verification of a requestor's physical address;**
 2 **(3) indicates to the public agency whether the requestor is a**
 3 **resident of Indiana; and**
 4 **(4) automatically tracks and reports submissions suspected to**
 5 **be automated or to have originated from known sources of**
 6 **phishing or data scraping.**

7 **(b) A public agency may decline to respond to a public records**
 8 **request that is submitted to the public agency if one (1) or more of**
 9 **the following apply:**

10 **(1) The public agency suspects the request to be data scraping**
 11 **or phishing activity.**

12 **(2) The public agency suspects that responding to the request**
 13 **electronically may:**

14 **(A) expose the public agency's electronic systems or data**
 15 **to unauthorized access or alteration; or**

16 **(B) otherwise jeopardize the security of the public agency's**
 17 **electronic systems or data.**

18 **(c) Not later than seven (7) days after a public agency receives**
 19 **a public records request to which the public agency declines to**
 20 **respond under subsection (b), the public agency shall notify the**
 21 **public access counselor of the request and the reason under**
 22 **subsection (b) for which the public agency has declined to respond**
 23 **to the request.**

24 SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.33-2025,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 4. (a) The following public records are excepted
 27 from section 3 of this chapter and may not be disclosed by a public
 28 agency, unless access to the records is specifically required by a state
 29 or federal statute or is ordered by a court under the rules of discovery:

30 (1) Those declared confidential by state statute.

31 (2) Those declared confidential by rule adopted by a public
 32 agency under specific authority to classify public records as
 33 confidential granted to the public agency by statute.

34 (3) Those required to be kept confidential by federal law.

35 (4) Records containing trade secrets.

36 (5) Confidential financial information obtained, upon request,
 37 from a person. However, this does not include information that is
 38 filed with or received by a public agency pursuant to state statute.

39 (6) Information concerning research, including actual research
 40 documents, conducted under the auspices of a state educational
 41 institution, including information:

42 (A) concerning any negotiations made with respect to the



- 1 research; and
- 2 (B) received from another party involved in the research.
- 3 (7) Grade transcripts and license examination scores obtained as
- 4 part of a licensure process.
- 5 (8) Those declared confidential by or under rules adopted by the
- 6 supreme court of Indiana.
- 7 (9) Patient medical records and charts created by a provider,
- 8 unless the patient gives written consent under IC 16-39 or as
- 9 provided under IC 16-41-8.
- 10 (10) Application information declared confidential by the Indiana
- 11 economic development corporation under IC 5-28.
- 12 (11) A photograph, a video recording, or an audio recording of an
- 13 autopsy, except as provided in IC 36-2-14-10.
- 14 (12) A Social Security number contained in the records of a
- 15 public agency.
- 16 (13) The following information that is part of a foreclosure action
- 17 subject to IC 32-30-10.5:
- 18 (A) Contact information for a debtor, as described in
- 19 IC 32-30-10.5-8(d)(1)(B).
- 20 (B) Any document submitted to the court as part of the debtor's
- 21 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 22 (14) The following information obtained from a call made to a
- 23 fraud hotline established under IC 36-1-8-8.5:
- 24 (A) The identity of any individual who makes a call to the
- 25 fraud hotline.
- 26 (B) A report, transcript, audio recording, or other information
- 27 concerning a call to the fraud hotline.
- 28 However, records described in this subdivision may be disclosed
- 29 to a law enforcement agency, a private university police
- 30 department, the attorney general, the inspector general, the state
- 31 examiner, or a prosecuting attorney.
- 32 (15) Information described in section 5(c)(3)(B) of this chapter
- 33 that is contained in a daily log or record described in section 5(c)
- 34 of this chapter for a victim of a crime or delinquent act who is less
- 35 than eighteen (18) years of age, unless and to the extent that:
- 36 (A) a parent, guardian, or custodian of the victim consents in
- 37 writing to public disclosure of the records; and
- 38 (B) that parent, guardian, or custodian of the victim has not
- 39 been charged with or convicted of committing a crime against
- 40 the victim.
- 41 However, records described in this subdivision may be disclosed
- 42 to the department of child services.



1 (b) Except as otherwise provided by subsection (a), the following
 2 public records shall be excepted from section 3 of this chapter at the
 3 discretion of a public agency:

4 (1) Investigatory records of law enforcement agencies or private
 5 university police departments. For purposes of this chapter, a law
 6 enforcement recording is not an investigatory record. However,
 7 information described in subsection (a)(15) contained in a law
 8 enforcement recording is exempt from disclosure, unless and to
 9 the extent that a parent, guardian, or custodian of the victim
 10 consents in writing to public disclosure of the records. However,
 11 a parent, guardian, or custodian charged with or convicted of a
 12 crime against the victim may not consent to public disclosure of
 13 the records. Law enforcement agencies or private university
 14 police departments may share investigatory records with:

15 (A) a person who advocates on behalf of a crime victim,
 16 including a victim advocate (as defined in IC 35-37-6-3.5) or
 17 a victim service provider (as defined in IC 35-37-6-5), for the
 18 purposes of providing services to a victim or describing
 19 services that may be available to a victim;

20 (B) a school corporation (as defined by IC 20-18-2-16(a)),
 21 charter school (as defined by IC 20-24-1-4), or nonpublic
 22 school (as defined by IC 20-18-2-12) for the purpose of
 23 enhancing the safety or security of a student or a school
 24 facility; and

25 (C) the victim services division of the Indiana criminal justice
 26 institute under IC 5-2-6-8, for the purposes of conducting an
 27 investigation under IC 5-2-6.1-26;

28 without the law enforcement agency or private university police
 29 department losing its discretion to keep those records confidential
 30 from other records requesters. However, certain law enforcement
 31 records must be made available for inspection and copying as
 32 provided in section 5 of this chapter.

33 (2) The work product of an attorney representing, pursuant to
 34 state employment or an appointment by a public agency:

35 (A) a public agency;

36 (B) the state; or

37 (C) an individual.

38 (3) Test questions, scoring keys, and other examination data used
 39 in administering a licensing examination, examination for
 40 employment, or academic examination before the examination is
 41 given or if it is to be given again.

42 (4) Scores of tests if the person is identified by name and has not



1 consented to the release of the person's scores.

2 (5) The following:

3 (A) Records relating to negotiations between:

4 (i) the Indiana economic development corporation;

5 (ii) the ports of Indiana;

6 (iii) the Indiana state department of agriculture;

7 (iv) the Indiana finance authority;

8 (v) an economic development commission;

9 (vi) the Indiana White River state park development
10 commission;

11 (vii) a local economic development organization that is a
12 nonprofit corporation established under state law whose
13 primary purpose is the promotion of industrial or business
14 development in Indiana, the retention or expansion of
15 Indiana businesses, or the development of entrepreneurial
16 activities in Indiana; or

17 (viii) a governing body of a political subdivision;

18 with industrial, research, or commercial prospects, if the
19 records are created while negotiations are in progress.
20 However, this clause does not apply to records regarding
21 research that is prohibited under IC 16-34.5-1-2 or any other
22 law.

23 (B) Notwithstanding clause (A), the terms of the final offer of
24 public financial resources communicated by the Indiana
25 economic development corporation, the ports of Indiana, the
26 Indiana finance authority, an economic development
27 commission, the Indiana White River state park development
28 commission, or a governing body of a political subdivision to
29 an industrial, a research, or a commercial prospect shall be
30 available for inspection and copying under section 3 of this
31 chapter after negotiations with that prospect have terminated.

32 (C) When disclosing a final offer under clause (B), the Indiana
33 economic development corporation shall certify that the
34 information being disclosed accurately and completely
35 represents the terms of the final offer.

36 (D) Notwithstanding clause (A), an incentive agreement with
37 an incentive recipient shall be available for inspection and
38 copying under section 3 of this chapter after the date the
39 incentive recipient and the Indiana economic development
40 corporation execute the incentive agreement regardless of
41 whether negotiations are in progress with the recipient after
42 that date regarding a modification or extension of the incentive



- 1 agreement.
- 2 (6) Records that are intra-agency or interagency advisory or
3 deliberative material, including material developed by a private
4 contractor under a contract with a public agency, that are
5 expressions of opinion or are of a speculative nature, and that are
6 communicated for the purpose of decision making.
- 7 (7) Diaries, journals, or other personal notes serving as the
8 functional equivalent of a diary or journal.
- 9 (8) Personnel files of public employees and files of applicants for
10 public employment, except for:
- 11 (A) the name, compensation, job title, business address,
12 business telephone number, job description, education and
13 training background, previous work experience, or dates of
14 first and last employment of present or former officers or
15 employees of the agency;
- 16 (B) information relating to the status of any formal charges
17 against the employee; and
- 18 (C) the factual basis for a disciplinary action in which final
19 action has been taken and that resulted in the employee being
20 suspended, demoted, or discharged.
- 21 However, all personnel file information shall be made available
22 to the affected employee or the employee's representative. This
23 subdivision does not apply to disclosure of personnel information
24 generally on all employees or for groups of employees without the
25 request being particularized by employee name.
- 26 (9) Minutes or records of hospital medical staff meetings.
- 27 (10) Administrative or technical information that would
28 jeopardize a record keeping system, voting system, voter
29 registration system, or security system.
- 30 (11) Computer programs, computer codes, computer filing
31 systems, and other software that are owned by the public agency
32 or entrusted to it and portions of electronic maps entrusted to a
33 public agency by a utility.
- 34 (12) Records specifically prepared for discussion or developed
35 during discussion in an executive session under IC 5-14-1.5-6.1.
36 However, this subdivision does not apply to that information
37 required to be available for inspection and copying under
38 subdivision (8).
- 39 (13) The work product of the legislative services agency under
40 personnel rules approved by the legislative council.
- 41 (14) The work product of individual members and the partisan
42 staffs of the general assembly.



- 1 (15) The identity of a donor of a gift made to a public agency if:
 2 (A) the donor requires nondisclosure of the donor's identity as
 3 a condition of making the gift; or
 4 (B) after the gift is made, the donor or a member of the donor's
 5 family requests nondisclosure.
- 6 (16) Library or archival records:
 7 (A) which can be used to identify any library patron; or
 8 (B) deposited with or acquired by a library upon a condition
 9 that the records be disclosed only:
 10 (i) to qualified researchers;
 11 (ii) after the passing of a period of years that is specified in
 12 the documents under which the deposit or acquisition is
 13 made; or
 14 (iii) after the death of persons specified at the time of the
 15 acquisition or deposit.
- 16 However, nothing in this subdivision shall limit or affect contracts
 17 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 18 (17) The identity of any person who contacts the bureau of motor
 19 vehicles concerning the ability of a driver to operate a motor
 20 vehicle safely and the medical records and evaluations made by
 21 the bureau of motor vehicles staff or members of the driver
 22 licensing medical advisory board regarding the ability of a driver
 23 to operate a motor vehicle safely. However, upon written request
 24 to the commissioner of the bureau of motor vehicles, the driver
 25 must be given copies of the driver's medical records and
 26 evaluations.
- 27 (18) School safety and security measures, plans, and systems,
 28 including emergency preparedness plans developed under 511
 29 IAC 6.1-2-2.5.
- 30 (19) A record or a part of a record, the public disclosure of which
 31 would have a reasonable likelihood of threatening public safety
 32 by exposing a vulnerability to terrorist attack. A record described
 33 under this subdivision includes the following:
 34 (A) A record assembled, prepared, or maintained to prevent,
 35 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 36 (before its repeal), an act of agricultural terrorism under
 37 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
 38 (as defined in IC 35-50-2-18).
 39 (B) Vulnerability assessments.
 40 (C) Risk planning documents.
 41 (D) Needs assessments.
 42 (E) Threat assessments.



- 1 (F) Intelligence assessments.
- 2 (G) Domestic preparedness strategies.
- 3 (H) The location of community drinking water wells and
- 4 surface water intakes.
- 5 (I) The emergency contact information of emergency
- 6 responders and volunteers.
- 7 (J) Infrastructure records that disclose the configuration of
- 8 critical systems such as voting system and voter registration
- 9 system critical infrastructure, and communication, electrical,
- 10 ventilation, water, and wastewater systems.
- 11 (K) Detailed drawings or specifications of structural elements,
- 12 floor plans, and operating, utility, or security systems, whether
- 13 in paper or electronic form, of any building or facility located
- 14 on an airport (as defined in IC 8-21-1-1) that is owned,
- 15 occupied, leased, or maintained by a public agency, or any part
- 16 of a law enforcement recording that captures information
- 17 about airport security procedures, areas, or systems. A record
- 18 described in this clause may not be released for public
- 19 inspection by any public agency without the prior approval of
- 20 the public agency that owns, occupies, leases, or maintains the
- 21 airport. Both of the following apply to the public agency that
- 22 owns, occupies, leases, or maintains the airport:
- 23 (i) The public agency is responsible for determining whether
- 24 the public disclosure of a record or a part of a record,
- 25 including a law enforcement recording, has a reasonable
- 26 likelihood of threatening public safety by exposing a
- 27 security procedure, area, system, or vulnerability to terrorist
- 28 attack.
- 29 (ii) The public agency must identify a record described
- 30 under item (i) and clearly mark the record as "confidential
- 31 and not subject to public disclosure under
- 32 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
- 33 submitting public agency)". However, in the case of a law
- 34 enforcement recording, the public agency must clearly mark
- 35 the record as "confidential and not subject to public
- 36 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
- 37 (insert name of the public agency that owns, occupies,
- 38 leases, or maintains the airport)".
- 39 (L) The home address, home telephone number, and
- 40 emergency contact information for any:
- 41 (i) emergency management worker (as defined in
- 42 IC 10-14-3-3);



- 1 (ii) public safety officer (as defined in IC 35-47-4.5-3);
 2 (iii) emergency medical responder (as defined in
 3 IC 16-18-2-109.8); or
 4 (iv) advanced emergency medical technician (as defined in
 5 IC 16-18-2-6.5).
- 6 (M) Information relating to security measures or precautions
 7 used to secure the statewide 911 system under IC 36-8-16.7.
 8 This subdivision does not apply to a record or portion of a record
 9 pertaining to a location or structure owned or protected by a
 10 public agency in the event that an act of terrorism under
 11 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
 12 under IC 35-47-12-2 (before its repeal), or a felony terrorist
 13 offense (as defined in IC 35-50-2-18) has occurred at that location
 14 or structure, unless release of the record or portion of the record
 15 would have a reasonable likelihood of threatening public safety
 16 by exposing a vulnerability of other locations or structures to
 17 terrorist attack.
- 18 (20) The following personal information concerning a customer
 19 of a municipally owned utility (as defined in IC 8-1-2-1):
 20 (A) Telephone number.
 21 (B) Address.
 22 (C) Social Security number.
- 23 (21) The following personal information about a complainant
 24 contained in records of a law enforcement agency:
 25 (A) Telephone number.
 26 (B) The complainant's address. However, if the complainant's
 27 address is the location of the suspected crime, infraction,
 28 accident, or complaint reported, the address shall be made
 29 available for public inspection and copying.
- 30 (22) Notwithstanding subdivision (8)(A), the name,
 31 compensation, job title, business address, business telephone
 32 number, job description, education and training background,
 33 previous work experience, or dates of first employment of a law
 34 enforcement officer who is operating in an undercover capacity.
- 35 (23) Records requested by an offender, an agent, or a relative of
 36 an offender that:
 37 (A) contain personal information relating to:
 38 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 39 (ii) a probation officer;
 40 (iii) a community corrections officer;
 41 (iv) a law enforcement officer (as defined in
 42 IC 35-31.5-2-185);



- 1 (v) a judge (as defined in IC 33-38-12-3);
 2 (vi) the victim of a crime; or
 3 (vii) a family member of a correctional officer, probation
 4 officer, community corrections officer, law enforcement
 5 officer (as defined in IC 35-31.5-2-185), judge (as defined
 6 in IC 33-38-12-3), or victim of a crime; or
 7 (B) concern or could affect the security of a jail or correctional
 8 facility.
- 9 For purposes of this subdivision, "agent" means a person who is
 10 authorized by an offender to act on behalf of, or at the direction
 11 of, the offender, and "relative" has the meaning set forth in
 12 IC 35-42-2-1(b). However, the term "agent" does not include an
 13 attorney in good standing admitted to the practice of law in
 14 Indiana.
- 15 (24) Information concerning an individual less than eighteen (18)
 16 years of age who participates in a conference, meeting, program,
 17 or activity conducted or supervised by a state educational
 18 institution, including the following information regarding the
 19 individual or the individual's parent or guardian:
 20 (A) Name.
 21 (B) Address.
 22 (C) Telephone number.
 23 (D) Electronic mail account address.
- 24 (25) Criminal intelligence information.
- 25 (26) The following information contained in a report of unclaimed
 26 property under IC 32-34-1.5-18 or in a claim for unclaimed
 27 property under IC 32-34-1.5-48:
 28 (A) Date of birth.
 29 (B) Driver's license number.
 30 (C) Taxpayer identification number.
 31 (D) Employer identification number.
 32 (E) Account number.
- 33 (27) Except as provided in subdivision (19) and sections 5.1 and
 34 5.2 of this chapter, a law enforcement recording. However, before
 35 disclosing the recording, the public agency must comply with the
 36 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
 37 applicable.
- 38 (28) Records relating to negotiations between a state educational
 39 institution and another entity concerning the establishment of a
 40 collaborative relationship or venture to advance the research,
 41 engagement, or educational mission of the state educational
 42 institution, if the records are created while negotiations are in



1 progress. The terms of the final offer of public financial resources
 2 communicated by the state educational institution to an industrial,
 3 a research, or a commercial prospect shall be available for
 4 inspection and copying under section 3 of this chapter after
 5 negotiations with that prospect have terminated. However, this
 6 subdivision does not apply to records regarding research
 7 prohibited under IC 16-34.5-1-2 or any other law.

8 (c) Nothing contained in subsection (b) shall limit or affect the right
 9 of a person to inspect and copy a public record required or directed to
 10 be made by any statute or by any rule of a public agency.

11 (d) Notwithstanding any other law, a public record that is classified
 12 as confidential, other than a record concerning:

- 13 (1) an adoption or patient medical records; or
- 14 (2) a birth or stillbirth;

15 shall be made available for inspection and copying seventy-five (75)
 16 years after the creation of that record. A registration or certificate of a
 17 birth or stillbirth shall be made available in accordance with
 18 IC 16-37-1-7.5.

19 **(e) A public agency may deny a request under this chapter for
 20 a record if the request:**

- 21 **(1) is made by a person that is a party to pending or ongoing**
- 22 **litigation; and**
- 23 **(2) is duplicative of a discovery request made by the person in**
- 24 **the pending or ongoing litigation.**

25 ~~(e)~~ (f) Only the content of a public record may form the basis for the
 26 adoption by any public agency of a rule or procedure creating an
 27 exception from disclosure under this section.

28 ~~(f)~~ (g) Except as provided by law, a public agency may not adopt a
 29 rule or procedure that creates an exception from disclosure under this
 30 section based upon whether a public record is stored or accessed using
 31 paper, electronic media, magnetic media, optical media, or other
 32 information storage technology.

33 ~~(g)~~ (h) Except as provided by law, a public agency may not adopt a
 34 rule or procedure nor impose any costs or liabilities that impede or
 35 restrict the reproduction or dissemination of any public record.

36 ~~(h)~~ (i) Notwithstanding subsection (d) and section 7 of this chapter:

- 37 (1) public records subject to IC 5-15 may be destroyed only in
 38 accordance with record retention schedules under IC 5-15; or
- 39 (2) public records not subject to IC 5-15 may be destroyed in the
 40 ordinary course of business.

41 SECTION 4. IC 5-14-3-4.4, AS AMENDED BY P.L.249-2019,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 4.4. (a) This section applies to a request for a
 2 record that the public agency considers to be excepted from disclosure
 3 under section 4(b)(1) or 4(b)(25) of this chapter. The public agency
 4 may do either of the following:

5 (1) Deny disclosure of the record or a part of the record. The
 6 person requesting the information may appeal the denial under
 7 section 9 of this chapter.

8 (2) Refuse to confirm or deny the existence of the record,
 9 regardless of whether the record exists or does not exist, if the fact
 10 of the record's existence or nonexistence would reveal information
 11 that would:

12 (A) impede or compromise an ongoing law enforcement
 13 investigation or result in danger to an individual's safety,
 14 including the safety of a law enforcement officer or a
 15 confidential source; or

16 (B) reveal information that would have a reasonable likelihood
 17 of threatening public safety.

18 (b) This subsection applies to a request for a record that the public
 19 agency considers to be excepted from disclosure under section 4(b)(19)
 20 of this chapter. The agency may consult with the governor's security
 21 council established by IC 10-19-8.1-2 in formulating a response. The
 22 public agency may do either of the following:

23 (1) Deny disclosure of the record or a part of the record. The
 24 agency or the counterterrorism and security council shall provide
 25 a general description of the record being withheld and of how
 26 disclosure of the record would have a reasonable likelihood of
 27 threatening public safety by exposing a vulnerability to terrorist
 28 attack. The person requesting the information may appeal the
 29 denial under section 9 of this chapter.

30 (2) Refuse to confirm or deny the existence of the record
 31 regardless of whether the record exists or does not exist, if the fact
 32 of the record's existence or nonexistence would reveal information
 33 that would have a reasonable likelihood of threatening public
 34 safety.

35 (c) If a public agency does not respond to a request for a record
 36 under this section:

37 (1) within twenty-four (24) hours of receiving the request for a
 38 record from a person who:

39 (A) is physically present in the agency office;

40 (B) makes the request by telephone; or

41 (C) requests enhanced access to a document; or

42 (2) within seven (7) days of receiving the request for a record



1 made by mail, ~~or~~ by facsimile, **or through an electronic portal**
 2 **under section 3.3 of this chapter;**

3 the request for the record is deemed denied. The person requesting the
 4 information may appeal the denial under section 9 of this chapter.

5 (d) If a public agency refuses to confirm or deny the existence of a
 6 record under this section, the name and title or position of the person
 7 responsible for the refusal shall be given to the person making the
 8 records request.

9 (e) A person who has received a refusal from an agency to confirm
 10 or deny the existence of a record may file an action in the circuit or
 11 superior court of the county in which the response was received:

12 (1) to compel the public agency to confirm whether the record
 13 exists or does not exist; and

14 (2) if the public agency confirms that the record exists, to compel
 15 the agency to permit the person to inspect and copy the record.

16 (f) The court shall determine the matter de novo, with the burden of
 17 proof on the public agency to sustain its refusal to confirm or deny the
 18 existence of the record. The public agency meets its burden of proof by
 19 filing a public affidavit with the court that provides with reasonable
 20 specificity of detail, and not simply conclusory statements, the basis of
 21 the agency's claim that it cannot be required to confirm or deny the
 22 existence of the requested record. If the public agency meets its burden
 23 of proof, the burden of proof shifts to the person requesting access to
 24 the record. The person requesting access to the record meets the
 25 person's burden of proof by proving any of the following:

26 (1) The agency's justifications for not confirming the existence of
 27 the record contradict other evidence in the trial record.

28 (2) The agency is withholding the record in bad faith.

29 (3) An official with authority to speak for the agency has
 30 acknowledged to the public in a documented disclosure that the
 31 record exists. The person requesting the record must prove that
 32 the information requested:

33 (A) is as specific as the information previously disclosed; and

34 (B) matches the previously disclosed information.

35 (g) Either party may make an interlocutory appeal of the trial court's
 36 determination on whether the agency's refusal to confirm or deny the
 37 existence of the record was proper.

38 (h) If the court, after the disposition of any interlocutory appeals,
 39 finds that the agency's refusal to confirm or deny was improper, the
 40 court shall order the agency to disclose whether the record exists or
 41 does not exist. If the record exists and the agency claims that the record
 42 is exempt from disclosure under this chapter, the court may review the



1 public record in camera to determine whether any part of the record
2 may be withheld.

3 (i) In an action filed under this section, the court shall award
4 reasonable attorney's fees, court costs, and other reasonable expenses
5 of litigation to the prevailing party if:

6 (1) the plaintiff substantially prevails; or

7 (2) the defendant substantially prevails and the court finds the
8 action was frivolous or vexatious.

9 A plaintiff is eligible for the awarding of attorney's fees, court costs,
10 and other reasonable expenses regardless of whether the plaintiff filed
11 the action without first seeking and receiving an informal inquiry
12 response or advisory opinion from the public access counselor.

13 (j) A court that hears an action under this section may not assess a
14 civil penalty under section 9.5 of this chapter in connection with the
15 action.

16 SECTION 5. IC 5-14-3-8, AS AMENDED BY P.L.287-2019,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2026]: Sec. 8. (a) For the purposes of this section, "state
19 agency" has the meaning set forth in IC 4-13-1-1.

20 (b) Except as provided in this section, a public agency may not
21 charge any fee under this chapter for the following:

22 (1) To inspect a public record.

23 (2) This subdivision applies only to a school corporation and a
24 charter school. This subdivision does not apply to a request for a
25 search by an exclusive representative (as defined in
26 IC 20-29-2-9). To search for a record that is in an electronic
27 format, if the search does not exceed five (5) hours.

28 (3) Subject to subdivision (2), to search for, examine, or review
29 a record to determine whether the record may be disclosed.

30 (4) To provide an electronic copy of a public record by electronic
31 mail. However, a public agency may charge a fee for a public
32 record transmitted by electronic mail if the fee for the public
33 record is authorized under:

34 (A) subsection (f) or (j);

35 (B) section 6(c) of this chapter; or

36 (C) IC 36-2-7-10 or IC 36-2-7-10.1 concerning records of the
37 county recorder.

38 (c) The Indiana department of administration shall establish a
39 uniform copying fee for the copying of one (1) page of a standard-sized
40 document by state agencies. The fee may not exceed the average cost
41 of copying records by state agencies or ten cents (\$0.10) per page,
42 whichever is greater. **Except as provided in subsection (n), a state**



1 agency may not collect more than the uniform copying fee for
 2 providing a copy of a public record. However, a state agency shall
 3 establish and collect a reasonable fee for copying nonstandard-sized
 4 documents.

5 (d) This subsection applies to a public agency that is not a state
 6 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
 7 agency, or the governing body, if there is no fiscal body, shall establish
 8 a fee schedule for the certification or copying of documents. The fee for
 9 certification of documents may not exceed five dollars (\$5) per
 10 document. The fee for copying documents may not exceed the greater
 11 of:

- 12 (1) ten cents (\$0.10) per page for copies that are not color copies
 13 or twenty-five cents (\$0.25) per page for color copies; or
- 14 (2) the actual cost to the agency of copying the document.

15 As used in this subsection, "actual cost" means the cost of paper and
 16 the per-page cost for use of copying or facsimile equipment and does
 17 not include labor costs or overhead costs. A fee established under this
 18 subsection must be uniform throughout the public agency and uniform
 19 to all purchasers.

20 (e) If:

- 21 (1) a person is entitled to a copy of a public record under this
 22 chapter; and
- 23 (2) the public agency which is in possession of the record has
 24 reasonable access to a machine capable of reproducing the public
 25 record;

26 the public agency must provide at least one (1) copy of the public
 27 record to the person. However, if a public agency does not have
 28 reasonable access to a machine capable of reproducing the record or if
 29 the person cannot reproduce the record by use of enhanced access
 30 under section 3.5 of this chapter, the person is only entitled to inspect
 31 and manually transcribe the record. A public agency may require that
 32 the payment for search and copying costs be made in advance.

33 (f) Notwithstanding subsection (b), (c), (d), (g), (h), ~~or (i), or (n)~~, a
 34 public agency shall collect any certification, copying, facsimile
 35 machine transmission, or search fee that is specified by statute or is
 36 ordered by a court.

37 (g) Except as provided by subsection (h), for providing a duplicate
 38 of a computer tape, computer disc, microfilm, law enforcement
 39 recording, or similar or analogous record system containing
 40 information owned by the public agency or entrusted to it, a public
 41 agency may charge a fee, uniform to all purchasers, that does not
 42 exceed the sum of the following:



1 (1) The agency's direct cost of supplying the information in that
 2 form. However, the fee for a copy of a law enforcement recording
 3 may not exceed one hundred fifty dollars (\$150).

4 (2) The standard cost for selling the same information to the
 5 public in the form of a publication if the agency has published the
 6 information and made the publication available for sale.

7 (3) In the case of the legislative services agency, a reasonable
 8 percentage of the agency's direct cost of maintaining the system
 9 in which the information is stored. However, the amount charged
 10 by the legislative services agency under this subdivision may not
 11 exceed the sum of the amounts it may charge under subdivisions
 12 (1) and (2).

13 (h) This subsection applies to the fee charged by a public agency for
 14 providing enhanced access to a public record. A public agency may
 15 charge any reasonable fee agreed on in the contract under section 3.5
 16 of this chapter for providing enhanced access to public records.

17 (i) This subsection applies to the fee charged by a public agency for
 18 permitting a governmental entity to inspect public records by means of
 19 an electronic device. A public agency may charge any reasonable fee
 20 for the inspection of public records under this subsection, or the public
 21 agency may waive any fee for the inspection.

22 (j) Except as provided in subsection (k), a public agency may charge
 23 a fee, uniform to all purchasers, for providing an electronic map that is
 24 based upon a reasonable percentage of the agency's direct cost of
 25 maintaining, upgrading, and enhancing the electronic map and for the
 26 direct cost of supplying the electronic map in the form requested by the
 27 purchaser. If the public agency is within a political subdivision having
 28 a fiscal body, the fee is subject to the approval of the fiscal body of the
 29 political subdivision.

30 (k) The fee charged by a public agency under subsection (j) to cover
 31 costs for maintaining, upgrading, and enhancing an electronic map may
 32 be waived by the public agency if the electronic map for which the fee
 33 is charged will be used for a noncommercial purpose, including the
 34 following:

- 35 (1) Public agency program support.
- 36 (2) Nonprofit activities.
- 37 (3) Journalism.
- 38 (4) Academic research.

39 (l) This subsection does not apply to a state agency. A fee collected
 40 under subsection (g) for the copying of a law enforcement recording
 41 may be:

- 42 (1) retained by the public agency; and



1 (2) used without appropriation for one (1) or more of the
2 following purposes:

3 (A) To purchase cameras and other equipment for use in
4 connection with the agency's law enforcement recording
5 program.

6 (B) For training concerning law enforcement recording.

7 (C) To defray the expenses of storing, producing, and copying
8 law enforcement recordings.

9 Money from a fee described in this subsection does not revert to the
10 local general fund at the end of a fiscal year.

11 (m) This subsection applies to a school corporation and a charter
12 school. For purposes of this subsection, "computer processing time"
13 means the amount of time a computer takes to process a command or
14 script to extract or copy electronically stored data that is the subject of
15 a public records request. A school corporation or charter school may
16 not charge a fee for the first five (5) hours required to search for
17 records that are in an electronic format. A school corporation or charter
18 school may charge a search fee for any time spent searching for records
19 that are in an electronic format that exceeds five (5) hours. If the school
20 corporation or charter school charges a search fee, the school
21 corporation or charter school shall charge an hourly fee that does not
22 exceed the lesser of:

23 (1) the hourly rate of the person making the search; or

24 (2) twenty dollars (\$20) per hour.

25 A school corporation or charter school charging an hourly fee under
26 this subsection for searching for records that are in an electronic format
27 may charge only for time that the person making the search actually
28 spends in searching for the records that are in an electronic format. A
29 school corporation or charter school may not charge for computer
30 processing time and may not establish a minimum fee for searching for
31 records that are in an electronic format. A school corporation or charter
32 school shall make a good faith effort to complete a search for records
33 that are in an electronic format that is within a reasonable time in order
34 to minimize the amount of a search fee. The fee must be prorated to
35 reflect any search time of less than one (1) hour.

36 **(n) Except as provided in subsection (o), a public agency may**
37 **collect a supplemental fee for processing public records requests**
38 **submitted by non-Indiana residents or out-of-state entities. The**
39 **fee:**

40 **(1) must be reasonably related to the cost of fulfilling the**
41 **request; and**

42 **(2) may not exceed twenty-five cents (\$0.25) per page and**



1 twenty-five dollars (\$25) per hour of staff time spent
2 processing the request.

3 **(o) A public agency may waive the fee under subsection (n) if the**
4 **public agency finds that the public records request serves the**
5 **public interest.**

6 SECTION 6. IC 5-14-3-8.1 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2026]: **Sec. 8.1. (a) A public agency may give priority in fulfilling**
9 **public records requests to:**

10 **(1) Indiana residents; and**
11 **(2) requests submitted for civic, journalistic, academic, or**
12 **personal use.**

13 **(b) Requests identified as originating from out-of-state entities**
14 **or automated systems may be:**

15 **(1) delayed as necessary to prevent disruption of core agency**
16 **functions; and**

17 **(2) subject to a fee under section 8(n) of this chapter.**

18 SECTION 7. IC 5-14-3-9, AS AMENDED BY P.L.58-2016,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: **Sec. 9. (a) This section does not apply to a request for**
21 **information under section 4.4 of this chapter.**

22 **(b) A denial of disclosure by a public agency occurs when the**
23 **person making the request is physically present in the office of the**
24 **agency, makes the request by telephone, or requests enhanced access**
25 **to a document and:**

26 **(1) the person designated by the public agency as being**
27 **responsible for public records release decisions refuses to permit**
28 **inspection and copying of a public record when a request has**
29 **been made; or**

30 **(2) twenty-four (24) hours elapse after any employee of the public**
31 **agency refuses to permit inspection and copying of a public**
32 **record when a request has been made;**

33 **whichever occurs first.**

34 **(c) If a person requests by mail or by facsimile a copy or copies of**
35 **a public record by mail, by facsimile, or through an electronic**
36 **portal under section 3.3 of this chapter, a denial of disclosure does**
37 **not occur until seven (7) days have elapsed from the date the public**
38 **agency receives the request.**

39 **(d) If a request is made orally, either in person or by telephone, a**
40 **public agency may deny the request orally. However, if a request**
41 **initially is made in writing, by facsimile, or through enhanced access,**
42 **or if an oral request that has been denied is renewed in writing or by**



1 facsimile, a public agency may deny the request if:

- 2 (1) the denial is in writing or by facsimile; and
 3 (2) the denial includes:

4 (A) a statement of the specific exemption or exemptions
 5 authorizing the withholding of all or part of the public record;
 6 and

7 (B) the name and the title or position of the person responsible
 8 for the denial.

9 (e) A person who has been denied the right to inspect or copy a
 10 public record by a public agency may file an action in the circuit or
 11 superior court of the county in which the denial occurred to compel the
 12 public agency to permit the person to inspect and copy the public
 13 record. Whenever an action is filed under this subsection, the public
 14 agency must notify each person who supplied any part of the public
 15 record at issue:

16 (1) that a request for release of the public record has been denied;
 17 and

18 (2) whether the denial was in compliance with an informal inquiry
 19 response or advisory opinion of the public access counselor.

20 Such persons are entitled to intervene in any litigation that results from
 21 the denial. The person who has been denied the right to inspect or copy
 22 need not allege or prove any special damage different from that
 23 suffered by the public at large.

24 (f) The court shall determine the matter de novo, with the burden of
 25 proof on the public agency to sustain its denial. If the issue in de novo
 26 review under this section is whether a public agency properly denied
 27 access to a public record because the record is exempted under section
 28 4(a) of this chapter, the public agency meets its burden of proof under
 29 this subsection by establishing the content of the record with adequate
 30 specificity and not by relying on a conclusory statement or affidavit.

31 (g) This subsection does not apply to an action under section 5.2 of
 32 this chapter. If the issue in a de novo review under this section is
 33 whether a public agency properly denied access to a public record
 34 because the record is exempted under section 4(b) of this chapter:

35 (1) the public agency meets its burden of proof under this
 36 subsection by:

37 (A) proving that:

38 (i) the record falls within any one (1) of the categories of
 39 exempted records under section 4(b) of this chapter; and

40 (ii) if the action is for denial of access to a recording under
 41 section 5.1 of this chapter, the plaintiff is not a "requestor"
 42 as that term is defined in section 5.1 of this chapter; and



- 1 (B) establishing the content of the record with adequate
 2 specificity and not by relying on a conclusory statement or
 3 affidavit; and
- 4 (2) a person requesting access to a public record meets the
 5 person's burden of proof under this subsection by proving that the
 6 denial of access is arbitrary or capricious.
- 7 (h) The court may review the public record in camera to determine
 8 whether any part of it may be withheld under this chapter. However, if
 9 the complaint alleges that a public agency denied disclosure of a public
 10 record by redacting information in the public record, the court shall
 11 conduct an in camera inspection of the public record with the redacted
 12 information included.
- 13 (i) Except as provided in subsection (k), in any action filed under
 14 this section, a court shall award reasonable attorney's fees, court costs,
 15 and other reasonable expenses of litigation to the prevailing party if:
 16 (1) the plaintiff substantially prevails; or
 17 (2) the defendant substantially prevails and the court finds the
 18 action was frivolous or vexatious.
- 19 Except as provided in subsection (k), the plaintiff is not eligible for the
 20 awarding of attorney's fees, court costs, and other reasonable expenses
 21 if the plaintiff filed the action without first seeking and receiving an
 22 informal inquiry response or advisory opinion from the public access
 23 counselor, unless the plaintiff can show the filing of the action was
 24 necessary because the denial of access to a public record under this
 25 chapter would prevent the plaintiff from presenting that public record
 26 to a public agency preparing to act on a matter of relevance to the
 27 public record whose disclosure was denied.
- 28 (j) Except as provided in subsection (k), a court may assess a civil
 29 penalty under section 9.5 of this chapter only if the plaintiff obtained
 30 an advisory opinion from the public access counselor before filing an
 31 action under this section as set forth in section 9.5 of this chapter.
- 32 (k) This subsection applies only to an action to appeal the denial of
 33 access to a law enforcement recording under section 5.1 of this chapter.
 34 A requestor (as defined in section 5.1 of this chapter) may bring an
 35 action to appeal from the denial of access to a law enforcement
 36 recording without first seeking or receiving an informal inquiry
 37 response or advisory opinion from the public access counselor. If the
 38 requestor prevails in an action under this subsection:
 39 (1) the requestor is eligible for an award of reasonable attorney's
 40 fees, court costs, and other reasonable expenses; and
 41 (2) a court may assess a civil penalty under section 9.5 of this
 42 chapter.



1 (l) A court shall expedite the hearing of an action filed under this
2 section.

3 SECTION 8. IC 5-14-3-11 IS ADDED TO THE INDIANA CODE
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
5 **1, 2026]: Sec. 11. In addition to providing the public access**
6 **counselor with notice of a request to which the public agency has**
7 **declined to respond under section 3.3 of this chapter, a public**
8 **agency shall report to the public access counselor, through a**
9 **standardized mechanism prescribed by the public access counselor,**
10 **any public records request received by the public agency that is**
11 **suspected by the public agency of being:**

12 (1) **automated; or**

13 (2) **data scraping or phishing activity.**

14 SECTION 9. IC 5-14-3-12 IS ADDED TO THE INDIANA CODE
15 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
16 **1, 2026]: Sec. 12. Nothing in this chapter shall prevent the general**
17 **assembly from establishing reasonable and narrowly tailored**
18 **procedural safeguards to preserve the integrity and availability of**
19 **public agency resources.**

20 SECTION 10. IC 5-14-4-1.2 IS ADDED TO THE INDIANA CODE
21 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
22 **1, 2026]: Sec. 1.2. As used in this chapter, "data scraping" has the**
23 **meaning set forth in IC 5-14-3-2.**

24 SECTION 11. IC 5-14-4-2.5 IS ADDED TO THE INDIANA CODE
25 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
26 **1, 2026]: Sec. 2.5. As used in this chapter, "phishing" has the**
27 **meaning set forth in IC 5-14-3-2.**

28 SECTION 12. IC 5-14-4-10 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. The counselor has
30 the following powers and duties:

31 (1) To establish and administer a program to train public officials
32 and educate the public on the rights of the public and the
33 responsibilities of public agencies under the public access laws.
34 The counselor may contract with a person or a public or private
35 entity to fulfill the counselor's responsibility under this
36 subdivision.

37 (2) To conduct research.

38 (3) To prepare interpretive and educational materials and
39 programs in cooperation with the office of the attorney general.

40 (4) To distribute to newly elected or appointed public officials the
41 public access laws and educational materials concerning the
42 public access laws.



- 1 (5) To respond to informal inquiries made by the public and
- 2 public agencies by telephone, in writing, in person, by facsimile,
- 3 or by electronic mail concerning the public access laws.
- 4 (6) To issue advisory opinions to interpret the public access laws
- 5 upon the request of a person or a public agency. However, the
- 6 counselor may not issue an advisory opinion concerning a specific
- 7 matter with respect to which a lawsuit has been filed under
- 8 IC 5-14-1.5 or IC 5-14-3.
- 9 (7) To make recommendations to the general assembly
- 10 concerning ways to improve public access.
- 11 **(8) To coordinate with public agencies to:**
- 12 **(A) track the volume and nature of public records requests**
- 13 **received by public agencies; and**
- 14 **(B) identify patterns or sources of excessive, automated,**
- 15 **phishing related, or data scraping based public records**
- 16 **requests.**
- 17 **(9) To establish a standardized mechanism by which public**
- 18 **agencies can report suspect public records requests under**
- 19 **IC 5-14-3-11.**

20 SECTION 13. IC 5-14-4-12 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The counselor shall
 22 submit a report in an electronic format under IC 5-14-6 not later than
 23 June 30 of each year to the legislative services agency concerning the
 24 activities of the counselor for the previous year. The report must
 25 include the following information:

- 26 **(1) Summary information regarding:**
- 27 **(A) the volume and nature of public records requests**
- 28 **received by public agencies; and**
- 29 **(B) public records requests reported to the counselor by**
- 30 **public agencies under IC 5-14-3-11.**
- 31 ~~(1)~~ **(2)** The total number of inquiries and complaints received.
- 32 ~~(2)~~ **(3)** The number of inquiries and complaints received each
- 33 from the public, the media, and government agencies.
- 34 ~~(3)~~ **(4)** The number of inquiries and complaints that were
- 35 resolved.
- 36 ~~(4)~~ **(5)** The number of complaints received about each of the
- 37 following:
- 38 (A) State agencies.
- 39 (B) County agencies.
- 40 (C) City agencies.
- 41 (D) Town agencies.
- 42 (E) Township agencies.



- 1 (F) School corporations.
- 2 (G) Other local agencies.
- 3 ~~(5)~~ (6) The number of complaints received concerning each of the
- 4 following:
- 5 (A) Public records.
- 6 (B) Public meetings.
- 7 ~~(6)~~ (7) The total number of written advisory opinions issued and
- 8 pending.
- 9 **(8) Recommendations to the general assembly regarding**
- 10 **statutory or administrative remedies to public records**
- 11 **requests described in section 10(8)(B) of this chapter.**
- 12 SECTION 14. IC 9-26-10-2, AS AMENDED BY P.L.11-2019,
- 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2026]: Sec. 2. (a) As used in this section, "person" has the
- 15 meaning set forth in ~~IC 5-14-3-2(n)~~. **IC 5-14-3-2(o).**
- 16 (b) Except as provided in subsections (c), (d), (e), and (f), all
- 17 information contained in the emergency contact data base is
- 18 confidential and exempt from:
- 19 (1) disclosure to any person; and
- 20 (2) public inspection under IC 5-14-3.
- 21 (c) The bureau may access information contained in the emergency
- 22 contact data base for the purpose of deleting, logging, or revising
- 23 emergency contact information contained in the emergency contact
- 24 data base.
- 25 (d) A law enforcement officer may access information contained in
- 26 the emergency contact data base for the purpose of complying with
- 27 IC 9-26-2-5.
- 28 (e) A coroner may access information contained in the emergency
- 29 contact data base in the performance of the coroner's duties.
- 30 (f) Information contained in the emergency contact data base is
- 31 subject to disclosure to an appropriate person upon the bureau's receipt
- 32 of a:
- 33 (1) grand jury subpoena; or
- 34 (2) subpoena related to a criminal investigation.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 37, delete "shall" and insert "**may**".

Page 12, line 2, delete "shall" and insert "**may**".

Page 12, line 11, delete "shall" and insert "**may**".

and when so amended that said bill do pass.

(Reference is to HB 1360 as introduced.)

MILLER D

Committee Vote: yeas 12, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1360 be amended to read as follows:

Page 5, line 37, after "3.3." insert "**(a)**".

Page 6, between lines 6 and 7, begin a new paragraph and insert:

"(b) A public agency may decline to respond to a public records request that is submitted to the public agency electronically if one (1) or more of the following apply:

(1) The public agency suspects the request to be data scraping or phishing activity.

(2) The public agency suspects that responding to the request electronically may:

(A) expose the public agency's electronic systems or data to unauthorized access or alteration; or

(B) otherwise jeopardize the security of the public agency's electronic systems or data.

(c) Not later than seven (7) days after a public agency receives a public records request to which the public agency declines to respond under subsection (b), the public agency shall notify the public access counselor of the request and the reason under subsection (b) for which the public agency has declined to respond to the request."

Page 15, line 13, delete "A" and insert "**In addition to providing**

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the public access counselor with notice of a request to which the public agency has declined to respond under section 3.3 of this chapter, a".

Page 15, line 15, after "counselor," insert "**any**".

Page 15, line 15, delete "requests" and insert "**request**".

Page 15, line 16, delete "are" and insert "**is**".

(Reference is to HB 1360 as printed January 22, 2026.)

LEHMAN

COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 4, delete "logs" and insert "**tracks**".

Page 6, line 8, delete "electronically".

Page 6, between lines 23 and 24, begin a new paragraph and insert: "SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.33-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and



- (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
- (10) Application information declared confidential by the Indiana economic development corporation under IC 5-28.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a public agency.
- (13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:
- (A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).
 - (B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).
- (14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:
- (A) The identity of any individual who makes a call to the fraud hotline.
 - (B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.
- However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.
- (15) Information described in section 5(c)(3)(B) of this chapter that is contained in a daily log or record described in section 5(c) of this chapter for a victim of a crime or delinquent act who is less than eighteen (18) years of age, unless and to the extent that:
- (A) a parent, guardian, or custodian of the victim consents in writing to public disclosure of the records; and
 - (B) that parent, guardian, or custodian of the victim has not been charged with or convicted of committing a crime against the victim.
- However, records described in this subdivision may be disclosed to the department of child services.
- (b) Except as otherwise provided by subsection (a), the following



public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. However, information described in subsection (a)(15) contained in a law enforcement recording is exempt from disclosure, unless and to the extent that a parent, guardian, or custodian of the victim consents in writing to public disclosure of the records. However, a parent, guardian, or custodian charged with or convicted of a crime against the victim may not consent to public disclosure of the records. Law enforcement agencies or private university police departments may share investigatory records with:

(A) a person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim;

(B) a school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility; and

(C) the victim services division of the Indiana criminal justice institute under IC 5-2-6-8, for the purposes of conducting an investigation under IC 5-2-6.1-26;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.



(5) The following:

(A) Records relating to negotiations between:

- (i) the Indiana economic development corporation;
- (ii) the ports of Indiana;
- (iii) the Indiana state department of agriculture;
- (iv) the Indiana finance authority;
- (v) an economic development commission;
- (vi) the Indiana White River state park development commission;
- (vii) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
- (viii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, the Indiana White River state park development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.



(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system, or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:



- (A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or
 - (B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.
- (16) Library or archival records:
- (A) which can be used to identify any library patron; or
 - (B) deposited with or acquired by a library upon a condition that the records be disclosed only:
 - (i) to qualified researchers;
 - (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
 - (iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

- (A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).
- (B) Vulnerability assessments.
- (C) Risk planning documents.
- (D) Needs assessments.
- (E) Threat assessments.
- (F) Intelligence assessments.



- (G) Domestic preparedness strategies.
- (H) The location of community drinking water wells and surface water intakes.
- (I) The emergency contact information of emergency responders and volunteers.
- (J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.
- (K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:
 - (i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.
 - (ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".
- (L) The home address, home telephone number, and emergency contact information for any:
 - (i) emergency management worker (as defined in IC 10-14-3-3);
 - (ii) public safety officer (as defined in IC 35-47-4.5-3);



(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

(M) Information relating to security measures or precautions used to secure the statewide 911 system under IC 36-8-16.7.

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender, an agent, or a relative of an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a probation officer;

(iii) a community corrections officer;

(iv) a law enforcement officer (as defined in IC 35-31.5-2-185);

(v) a judge (as defined in IC 33-38-12-3);



- (vi) the victim of a crime; or
- (vii) a family member of a correctional officer, probation officer, community corrections officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set forth in IC 35-42-2-1(b). However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

- (A) Name.
- (B) Address.
- (C) Telephone number.
- (D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1.5-18 or in a claim for unclaimed property under IC 32-34-1.5-48:

- (A) Date of birth.
- (B) Driver's license number.
- (C) Taxpayer identification number.
- (D) Employer identification number.
- (E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources



communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning:

- (1) an adoption or patient medical records; or
- (2) a birth or stillbirth;

shall be made available for inspection and copying seventy-five (75) years after the creation of that record. A registration or certificate of a birth or stillbirth shall be made available in accordance with IC 16-37-1-7.5.

(e) A public agency may deny a request under this chapter for a record if the request:

- (1) is made by a person that is a party to pending or ongoing litigation; and**
- (2) is duplicative of a discovery request made by the person in the pending or ongoing litigation.**

~~(e)~~ (f) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

~~(f)~~ (g) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

~~(g)~~ (h) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

~~(h)~~ (i) Notwithstanding subsection (d) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

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(Reference is to HB 1360 as reprinted January 28, 2026.)

BUCHANAN, Chairperson

Committee Vote: Yeas 10, Nays 0.

