

PROPOSED AMENDMENT

HB 1360 # 2

DIGEST

Public records requests. Allows a public agency to 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.

- 1 Page 6, between lines 23 and 24, begin a new paragraph and insert:
2 "SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.33-2025,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 4. (a) The following public records are excepted
5 from section 3 of this chapter and may not be disclosed by a public
6 agency, unless access to the records is specifically required by a state
7 or federal statute or is ordered by a court under the rules of discovery:
8 (1) Those declared confidential by state statute.
9 (2) Those declared confidential by rule adopted by a public
10 agency under specific authority to classify public records as
11 confidential granted to the public agency by statute.
12 (3) Those required to be kept confidential by federal law.
13 (4) Records containing trade secrets.
14 (5) Confidential financial information obtained, upon request,
15 from a person. However, this does not include information that is
16 filed with or received by a public agency pursuant to state statute.
17 (6) Information concerning research, including actual research
18 documents, conducted under the auspices of a state educational
19 institution, including information:
20 (A) concerning any negotiations made with respect to the
21 research; and
22 (B) received from another party involved in the research.
23 (7) Grade transcripts and license examination scores obtained as
24 part of a licensure process.
25 (8) Those declared confidential by or under rules adopted by the

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

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

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

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

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

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

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

32 (A) a public agency;

33 (B) the state; or

34 (C) an individual.

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

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

- 1 (5) The following:
- 2 (A) Records relating to negotiations between:
- 3 (i) the Indiana economic development corporation;
- 4 (ii) the ports of Indiana;
- 5 (iii) the Indiana state department of agriculture;
- 6 (iv) the Indiana finance authority;
- 7 (v) an economic development commission;
- 8 (vi) the Indiana White River state park development
- 9 commission;
- 10 (vii) a local economic development organization that is a
- 11 nonprofit corporation established under state law whose
- 12 primary purpose is the promotion of industrial or business
- 13 development in Indiana, the retention or expansion of
- 14 Indiana businesses, or the development of entrepreneurial
- 15 activities in Indiana; or
- 16 (viii) a governing body of a political subdivision;
- 17 with industrial, research, or commercial prospects, if the
- 18 records are created while negotiations are in progress.
- 19 However, this clause does not apply to records regarding
- 20 research that is prohibited under IC 16-34.5-1-2 or any other
- 21 law.
- 22 (B) Notwithstanding clause (A), the terms of the final offer of
- 23 public financial resources communicated by the Indiana
- 24 economic development corporation, the ports of Indiana, the
- 25 Indiana finance authority, an economic development
- 26 commission, the Indiana White River state park development
- 27 commission, or a governing body of a political subdivision to
- 28 an industrial, a research, or a commercial prospect shall be
- 29 available for inspection and copying under section 3 of this
- 30 chapter after negotiations with that prospect have terminated.
- 31 (C) When disclosing a final offer under clause (B), the Indiana
- 32 economic development corporation shall certify that the
- 33 information being disclosed accurately and completely
- 34 represents the terms of the final offer.
- 35 (D) Notwithstanding clause (A), an incentive agreement with
- 36 an incentive recipient shall be available for inspection and
- 37 copying under section 3 of this chapter after the date the
- 38 incentive recipient and the Indiana economic development
- 39 corporation execute the incentive agreement regardless of
- 40 whether negotiations are in progress with the recipient after

1 that date regarding a modification or extension of the incentive
2 agreement.

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

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

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

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

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

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

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

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

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

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

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

40 (13) The work product of the legislative services agency under

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

- 1 (as defined in IC 35-50-2-18).
2 (B) Vulnerability assessments.
3 (C) Risk planning documents.
4 (D) Needs assessments.
5 (E) Threat assessments.
6 (F) Intelligence assessments.
7 (G) Domestic preparedness strategies.
8 (H) The location of community drinking water wells and
9 surface water intakes.
10 (I) The emergency contact information of emergency
11 responders and volunteers.
12 (J) Infrastructure records that disclose the configuration of
13 critical systems such as voting system and voter registration
14 system critical infrastructure, and communication, electrical,
15 ventilation, water, and wastewater systems.
16 (K) Detailed drawings or specifications of structural elements,
17 floor plans, and operating, utility, or security systems, whether
18 in paper or electronic form, of any building or facility located
19 on an airport (as defined in IC 8-21-1-1) that is owned,
20 occupied, leased, or maintained by a public agency, or any part
21 of a law enforcement recording that captures information
22 about airport security procedures, areas, or systems. A record
23 described in this clause may not be released for public
24 inspection by any public agency without the prior approval of
25 the public agency that owns, occupies, leases, or maintains the
26 airport. Both of the following apply to the public agency that
27 owns, occupies, leases, or maintains the airport:
28 (i) The public agency is responsible for determining whether
29 the public disclosure of a record or a part of a record,
30 including a law enforcement recording, has a reasonable
31 likelihood of threatening public safety by exposing a
32 security procedure, area, system, or vulnerability to terrorist
33 attack.
34 (ii) The public agency must identify a record described
35 under item (i) and clearly mark the record as "confidential
36 and not subject to public disclosure under
37 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
38 submitting public agency)". However, in the case of a law
39 enforcement recording, the public agency must clearly mark
40 the record as "confidential and not subject to public

- 1 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
 2 (insert name of the public agency that owns, occupies,
 3 leases, or maintains the airport)".
- 4 (L) The home address, home telephone number, and
 5 emergency contact information for any:
- 6 (i) emergency management worker (as defined in
 7 IC 10-14-3-3);
 8 (ii) public safety officer (as defined in IC 35-47-4.5-3);
 9 (iii) emergency medical responder (as defined in
 10 IC 16-18-2-109.8); or
 11 (iv) advanced emergency medical technician (as defined in
 12 IC 16-18-2-6.5).
- 13 (M) Information relating to security measures or precautions
 14 used to secure the statewide 911 system under IC 36-8-16.7.
 15 This subdivision does not apply to a record or portion of a record
 16 pertaining to a location or structure owned or protected by a
 17 public agency in the event that an act of terrorism under
 18 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
 19 under IC 35-47-12-2 (before its repeal), or a felony terrorist
 20 offense (as defined in IC 35-50-2-18) has occurred at that location
 21 or structure, unless release of the record or portion of the record
 22 would have a reasonable likelihood of threatening public safety
 23 by exposing a vulnerability of other locations or structures to
 24 terrorist attack.
- 25 (20) The following personal information concerning a customer
 26 of a municipally owned utility (as defined in IC 8-1-2-1):
- 27 (A) Telephone number.
 28 (B) Address.
 29 (C) Social Security number.
- 30 (21) The following personal information about a complainant
 31 contained in records of a law enforcement agency:
- 32 (A) Telephone number.
 33 (B) The complainant's address. However, if the complainant's
 34 address is the location of the suspected crime, infraction,
 35 accident, or complaint reported, the address shall be made
 36 available for public inspection and copying.
- 37 (22) Notwithstanding subdivision (8)(A), the name,
 38 compensation, job title, business address, business telephone
 39 number, job description, education and training background,
 40 previous work experience, or dates of first employment of a law

- 1 enforcement officer who is operating in an undercover capacity.
 2 (23) Records requested by an offender, an agent, or a relative of
 3 an offender that:
 4 (A) contain personal information relating to:
 5 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 6 (ii) a probation officer;
 7 (iii) a community corrections officer;
 8 (iv) a law enforcement officer (as defined in
 9 IC 35-31.5-2-185);
 10 (v) a judge (as defined in IC 33-38-12-3);
 11 (vi) the victim of a crime; or
 12 (vii) a family member of a correctional officer, probation
 13 officer, community corrections officer, law enforcement
 14 officer (as defined in IC 35-31.5-2-185), judge (as defined
 15 in IC 33-38-12-3), or victim of a crime; or
 16 (B) concern or could affect the security of a jail or correctional
 17 facility.

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

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

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

33 (25) Criminal intelligence information.

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

- 37 (A) Date of birth.
 38 (B) Driver's license number.
 39 (C) Taxpayer identification number.
 40 (D) Employer identification number.

- 1 (E) Account number.
- 2 (27) Except as provided in subdivision (19) and sections 5.1 and
3 5.2 of this chapter, a law enforcement recording. However, before
4 disclosing the recording, the public agency must comply with the
5 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
6 applicable.
- 7 (28) Records relating to negotiations between a state educational
8 institution and another entity concerning the establishment of a
9 collaborative relationship or venture to advance the research,
10 engagement, or educational mission of the state educational
11 institution, if the records are created while negotiations are in
12 progress. The terms of the final offer of public financial resources
13 communicated by the state educational institution to an industrial,
14 a research, or a commercial prospect shall be available for
15 inspection and copying under section 3 of this chapter after
16 negotiations with that prospect have terminated. However, this
17 subdivision does not apply to records regarding research
18 prohibited under IC 16-34.5-1-2 or any other law.
- 19 (c) Nothing contained in subsection (b) shall limit or affect the right
20 of a person to inspect and copy a public record required or directed to
21 be made by any statute or by any rule of a public agency.
- 22 (d) Notwithstanding any other law, a public record that is classified
23 as confidential, other than a record concerning:
- 24 (1) an adoption or patient medical records; or
25 (2) a birth or stillbirth;
- 26 shall be made available for inspection and copying seventy-five (75)
27 years after the creation of that record. A registration or certificate of a
28 birth or stillbirth shall be made available in accordance with
29 IC 16-37-1-7.5.
- 30 **(e) A public agency may deny a request under this chapter for**
31 **a record if the request:**
- 32 **(1) is made by a person that is a party to pending or ongoing**
33 **litigation; and**
- 34 **(2) is duplicative of a discovery request made by the person in**
35 **the pending or ongoing litigation.**
- 36 ~~(f)~~ (f) Only the content of a public record may form the basis for the
37 adoption by any public agency of a rule or procedure creating an
38 exception from disclosure under this section.
- 39 ~~(g)~~ (g) Except as provided by law, a public agency may not adopt a
40 rule or procedure that creates an exception from disclosure under this

- 1 section based upon whether a public record is stored or accessed using
2 paper, electronic media, magnetic media, optical media, or other
3 information storage technology.
- 4 ~~(g)~~ **(h)** Except as provided by law, a public agency may not adopt a
5 rule or procedure nor impose any costs or liabilities that impede or
6 restrict the reproduction or dissemination of any public record.
- 7 ~~(h)~~ **(i)** Notwithstanding subsection (d) and section 7 of this chapter:
8 (1) public records subject to IC 5-15 may be destroyed only in
9 accordance with record retention schedules under IC 5-15; or
10 (2) public records not subject to IC 5-15 may be destroyed in the
11 ordinary course of business."
12 Renumber all SECTIONS consecutively.
(Reference is to HB 1360 as reprinted January 28, 2026.)