

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 6876

BILL NUMBER: HB 1360

NOTE PREPARED: Feb 19, 2026

BILL AMENDED: Feb 19, 2026

SUBJECT: Access to Public Records.

FIRST AUTHOR: Rep. Lehman

FIRST SPONSOR: Sen. Brown L

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *CAPTCHA* - The bill 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.

Requests - The bill 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. It also provides that: (1) a public agency may decline to respond to a public records request if the 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.

Record Request Supplemental Fees - The bill allows a public agency to collect a supplemental fee for processing public records requests submitted by non-Indiana residents or out-of-state entities. It 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.

Public Access Counselor - The bill 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). It also 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.

The bill also provides that the General Assembly may establish reasonable and narrowly tailored procedural safeguards to preserve the integrity and availability of public agency resources.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Public Access Counselor* - The bill requires state and local public agencies to report (1) automated requests, (2) declined information requests, and (3) scraping and phishing attempts to the Public Access Counselor. This could increase the workload of the Public Access Counselor to investigate complaints as well as provide annual reports to the Legislative Services Agency. Increases in workload are within the routine administrative function of the agency and are expected to be accomplished within existing resource and funding levels.

CAPTCHA - The costs for CAPTCHA use depend on utilization cost as well as provider. Allowing state entities to use CAPTCHA for public records requests could increase state expenditures.

Explanation of State Revenues: *Record Request Supplemental Fees* - The bill allows state entities to collect supplemental fees for public records requests set by non-state residents and out-of-state entities but allows state entities the leeway to determine these fees within maximum prescribed amounts. Increases in state revenue will depend on the fees set by state entities as well as total demand for public records from non-state residents.

Additional Information - The current fees for public information requests are \$0.10 per page as well as “actual costs” in fulfilling the records request. Current law is silent as to any amounts charged to state residents compared to non-state residents. The fees in the bill would allow state entities to charge an additional amount of up to \$0.25 per page and a maximum of \$25 per hour in addition to other fees set by the Indiana Department of Administration but only to non-residents and out-of-state entities. This change will increase state revenue from information requests, as current fees are established to offset state costs of record requests.

Explanation of Local Expenditures: *CAPTCHA* - The costs for CAPTCHA use depend on utilization cost as well as provider. Allowing local public entities to use CAPTCHA for public records requests could increase local expenditures.

Explanation of Local Revenues: The bill allows local public entities to collect supplemental fees for public records requests set by non-state residents but affords leeway to determine these fees within maximum prescribed amounts. Increases in local revenue will depend on the fees set by local entities as well as total demand for public records from non-state residents and out-of-state entities.

State Agencies Affected: All.

Local Agencies Affected: All.

Information Sources: <https://docs.cloud.google.com/recaptcha/docs/compare-tiers>

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