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# HOUSE BILL No. 1360

Proposed Changes to introduced printing by AM136001

## DIGEST OF PROPOSED AMENDMENT

Public records requests. Allows (rather than requires) a state or local public agency to: (1) establish an electronic portal for submission of a public records request (request); (2) charge a supplemental fee for processing a request from a non-Indiana resident or an out of state entity; (3) waive the supplemental fee if the public agency finds the request serves the public interest; and (4) report requests to the public access counselor that are suspected of being automated or data scraping or phishing activity.

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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 (d) (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          (f) "Electronic map" means copyrighted data provided by a

17          public agency from an electronic geographic information system.

18          (f) "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

24           does not result in the permanent electronic storage of the

25           information.

26          (g) "Facsimile machine" means a machine that electronically

27          transmits exact images through connection with a telephone network.

28          (h) "Inspect" includes the right to do the following:

29           (1) Manually transcribe and make notes, abstracts, or

30           memoranda.

31           (2) In the case of tape recordings or other aural public records,

32           to listen and manually transcribe or duplicate, or make notes,

33           abstracts, or other memoranda from them.

34           (3) In the case of public records available:

35               (A) by enhanced access under section 3.5 of this chapter; or

36               (B) to a governmental entity under section 3(c)(2) of this

37               chapter;

38               to examine and copy the public records by use of an electronic

39               device.

40           (4) In the case of electronically stored data, to manually

41           transcribe and make notes, abstracts, or memoranda or to

42           duplicate the data onto a disk, tape, drum, or any other medium



1 of electronic storage.

2 **(+) (j)** "Investigatory record" means information compiled in the  
3 course of the investigation of a crime.

4 **(+) (k)** "Law enforcement activity" means:

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

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

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

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

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

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

31 **(m) (o)** "Person" means an individual, a corporation, a limited  
32 liability company, a partnership, an unincorporated association, or a  
33 governmental entity.

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

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

41 **(+) (q)** "Private university police department" means the police  
42 officers appointed by the governing board of a private university under



1       IC 21-17-5.

2       

**(p) (r)** "Provider" has the meaning set out in IC 16-18-2-295(b)  
 3 and includes employees of the Indiana department of health or local  
 4 boards of health who create patient records at the request of another  
 5 provider or who are social workers and create records concerning the  
 6 family background of children who may need assistance.

7       

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

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

13           (2) Any:

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

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

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

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

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

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

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

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

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



1 gaming commission, gaming control officers of the Indiana  
2 gaming commission, and the security division of the state lottery  
3 commission.

4 (7) Any license branch operated under IC 9-14.1.

8 including any department, division, or office of the commission.  
9 (10) The Indiana horse racing commission established by  
10 IC 4-31, including any department, division, or office of the  
11 commission

(11) A private university police department. The term does not include the governing board of a private university or any other department, division, board, entity, or office of a private university.

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

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

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

38 SECTION 2. IC 5-14-3-3.3 IS ADDED TO THE INDIANA CODE  
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
40 1, 2026]: Sec. 3.3. A public agency ~~shall~~may establish and  
41 maintain an electronic portal for submission of public records  
42 requests that:

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- 1                   **(1) incorporates Completely Automated Public Turing test**  
 2                   **to tell Computers and Humans Apart (CAPTCHA) or an**  
 3                   **equivalent mechanism for ensuring that a requestor is a**  
 4                   **human;**  
 5                   **(2) requires verification of a requestor's physical address;**  
 6                   **(3) indicates to the public agency whether the requestor is a**  
 7                   **resident of Indiana; and**  
 8                   **(4) automatically logs and reports submissions suspected to**  
 9                   **be automated or to have originated from known sources of**  
 10                  **phishing or data scraping.**

11                  SECTION 3. IC 5-14-3-4.4, AS AMENDED BY P.L.249-2019,  
 12                  SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13                  JULY 1, 2026]: Sec. 4.4. (a) This section applies to a request for a  
 14                  record that the public agency considers to be excepted from disclosure  
 15                  under section 4(b)(1) or 4(b)(25) of this chapter. The public agency  
 16                  may do either of the following:

- 17                  (1) Deny disclosure of the record or a part of the record. The  
 18                  person requesting the information may appeal the denial under  
 19                  section 9 of this chapter.  
 20                  (2) Refuse to confirm or deny the existence of the record,  
 21                  regardless of whether the record exists or does not exist, if the  
 22                  fact of the record's existence or nonexistence would reveal  
 23                  information that would:  
 24                          (A) impede or compromise an ongoing law enforcement  
 25                          investigation or result in danger to an individual's safety,  
 26                          including the safety of a law enforcement officer or a  
 27                          confidential source; or  
 28                          (B) reveal information that would have a reasonable  
 29                          likelihood of threatening public safety.  
 30                  (b) This subsection applies to a request for a record that the public  
 31                  agency considers to be excepted from disclosure under section 4(b)(19)  
 32                  of this chapter. The agency may consult with the governor's security  
 33                  council established by IC 10-19-8.1-2 in formulating a response. The  
 34                  public agency may do either of the following:  
 35                  (1) Deny disclosure of the record or a part of the record. The  
 36                  agency or the counterterrorism and security council shall provide  
 37                  a general description of the record being withheld and of how  
 38                  disclosure of the record would have a reasonable likelihood of  
 39                  threatening public safety by exposing a vulnerability to terrorist  
 40                  attack. The person requesting the information may appeal the  
 41                  denial under section 9 of this chapter.  
 42                  (2) Refuse to confirm or deny the existence of the record



1 regardless of whether the record exists or does not exist, if the  
 2 fact of the record's existence or nonexistence would reveal  
 3 information that would have a reasonable likelihood of  
 4 threatening public safety.

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

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

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

10 (B) makes the request by telephone; or

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

12 (2) within seven (7) days of receiving the request for a record  
 13 made by mail, **or by facsimile, or through an electronic portal**  
 14 **under section 3.3 of this chapter;**

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

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

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

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

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

29 (f) The court shall determine the matter de novo, with the burden  
 30 of proof on the public agency to sustain its refusal to confirm or deny  
 31 the existence of the record. The public agency meets its burden of proof  
 32 by filing a public affidavit with the court that provides with reasonable  
 33 specificity of detail, and not simply conclusory statements, the basis of  
 34 the agency's claim that it cannot be required to confirm or deny the  
 35 existence of the requested record. If the public agency meets its burden  
 36 of proof, the burden of proof shifts to the person requesting access to  
 37 the record. The person requesting access to the record meets the  
 38 person's burden of proof by proving any of the following:

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

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

42 (3) An official with authority to speak for the agency has



1 acknowledged to the public in a documented disclosure that the  
 2 record exists. The person requesting the record must prove that  
 3 the information requested:

4       (A) is as specific as the information previously disclosed;  
 5       and  
 6       (B) matches the previously disclosed information.

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

10      (h) If the court, after the disposition of any interlocutory appeals,  
 11 finds that the agency's refusal to confirm or deny was improper, the  
 12 court shall order the agency to disclose whether the record exists or  
 13 does not exist. If the record exists and the agency claims that the record  
 14 is exempt from disclosure under this chapter, the court may review the  
 15 public record in camera to determine whether any part of the record  
 16 may be withheld.

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

20       (1) the plaintiff substantially prevails; or  
 21       (2) the defendant substantially prevails and the court finds the  
 22 action was frivolous or vexatious.

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

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

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

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

36       (1) To inspect a public record.  
 37       (2) This subdivision applies only to a school corporation and a  
 38 charter school. This subdivision does not apply to a request for  
 39 a search by an exclusive representative (as defined in  
 40 IC 20-29-2-9). To search for a record that is in an electronic  
 41 format, if the search does not exceed five (5) hours.  
 42       (3) Subject to subdivision (2), to search for, examine, or review



1 a record to determine whether the record may be disclosed.

2 (4) To provide an electronic copy of a public record by

3 electronic mail. However, a public agency may charge a fee for

4 a public record transmitted by electronic mail if the fee for the

5 public record is authorized under:

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

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

8 (C) IC 36-2-7-10 or IC 36-2-7-10.1 concerning records of

9 the county recorder.

10 (c) The Indiana department of administration shall establish a

11 uniform copying fee for the copying of one (1) page of a standard-sized

12 document by state agencies. The fee may not exceed the average cost

13 of copying records by state agencies or ten cents (\$0.10) per page,

14 whichever is greater. **Except as provided in subsection (n),** a state

15 agency may not collect more than the uniform copying fee for

16 providing a copy of a public record. However, a state agency shall

17 establish and collect a reasonable fee for copying nonstandard-sized

18 documents.

19 (d) This subsection applies to a public agency that is not a state

20 agency. The fiscal body (as defined in IC 36-1-2-6) of the public

21 agency, or the governing body, if there is no fiscal body, shall establish

22 a fee schedule for the certification or copying of documents. The fee for

23 certification of documents may not exceed five dollars (\$5) per

24 document. The fee for copying documents may not exceed the greater

25 of:

26 (1) ten cents (\$0.10) per page for copies that are not color copies

27 or twenty-five cents (\$0.25) per page for color copies; or

28 (2) the actual cost to the agency of copying the document.

29 As used in this subsection, "actual cost" means the cost of paper and

30 the per-page cost for use of copying or facsimile equipment and does

31 not include labor costs or overhead costs. A fee established under this

32 subsection must be uniform throughout the public agency and uniform

33 to all purchasers.

34 (e) If:

35 (1) a person is entitled to a copy of a public record under this

36 chapter; and

37 (2) the public agency which is in possession of the record has

38 reasonable access to a machine capable of reproducing the

39 public record;

40 the public agency must provide at least one (1) copy of the public

41 record to the person. However, if a public agency does not have

42 reasonable access to a machine capable of reproducing the record or if



1 the person cannot reproduce the record by use of enhanced access  
 2 under section 3.5 of this chapter, the person is only entitled to inspect  
 3 and manually transcribe the record. A public agency may require that  
 4 the payment for search and copying costs be made in advance.

5 (f) Notwithstanding subsection (b), (c), (d), (g), (h), **or (i), or (n)**,  
 6 a public agency shall collect any certification, copying, facsimile  
 7 machine transmission, or search fee that is specified by statute or is  
 8 ordered by a court.

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

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

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

21 (3) In the case of the legislative services agency, a reasonable  
 22 percentage of the agency's direct cost of maintaining the system  
 23 in which the information is stored. However, the amount charged  
 24 by the legislative services agency under this subdivision may not  
 25 exceed the sum of the amounts it may charge under subdivisions  
 26 (1) and (2).

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

31 (i) This subsection applies to the fee charged by a public agency  
 32 for permitting a governmental entity to inspect public records by means  
 33 of an electronic device. A public agency may charge any reasonable fee  
 34 for the inspection of public records under this subsection, or the public  
 35 agency may waive any fee for the inspection.

36 (j) Except as provided in subsection (k), a public agency may  
 37 charge a fee, uniform to all purchasers, for providing an electronic map  
 38 that is based upon a reasonable percentage of the agency's direct cost  
 39 of maintaining, upgrading, and enhancing the electronic map and for  
 40 the direct cost of supplying the electronic map in the form requested by  
 41 the purchaser. If the public agency is within a political subdivision  
 42 having a fiscal body, the fee is subject to the approval of the fiscal body



1 of the political subdivision.

2 (k) The fee charged by a public agency under subsection (j) to  
 3 cover costs for maintaining, upgrading, and enhancing an electronic  
 4 map may be waived by the public agency if the electronic map for  
 5 which the fee is charged will be used for a noncommercial purpose,  
 6 including the following:

- 7 (1) Public agency program support.
- 8 (2) Nonprofit activities.
- 9 (3) Journalism.
- 10 (4) Academic research.

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

- 14 (1) retained by the public agency; and
- 15 (2) used without appropriation for one (1) or more of the  
 16 following purposes:
  - 17 (A) To purchase cameras and other equipment for use in  
 18 connection with the agency's law enforcement recording  
 19 program.
  - 20 (B) For training concerning law enforcement recording.
  - 21 (C) To defray the expenses of storing, producing, and  
 22 copying law enforcement recordings.

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

25 (m) This subsection applies to a school corporation and a charter  
 26 school. For purposes of this subsection, "computer processing time"  
 27 means the amount of time a computer takes to process a command or  
 28 script to extract or copy electronically stored data that is the subject of  
 29 a public records request. A school corporation or charter school may  
 30 not charge a fee for the first five (5) hours required to search for  
 31 records that are in an electronic format. A school corporation or charter  
 32 school may charge a search fee for any time spent searching for records  
 33 that are in an electronic format that exceeds five (5) hours. If the school  
 34 corporation or charter school charges a search fee, the school  
 35 corporation or charter school shall charge an hourly fee that does not  
 36 exceed the lesser of:

- 37 (1) the hourly rate of the person making the search; or
- 38 (2) twenty dollars (\$20) per hour.

39 A school corporation or charter school charging an hourly fee under  
 40 this subsection for searching for records that are in an electronic format  
 41 may charge only for time that the person making the search actually  
 42 spends in searching for the records that are in an electronic format. A



1 school corporation or charter school may not charge for computer  
 2 processing time and may not establish a minimum fee for searching for  
 3 records that are in an electronic format. A school corporation or charter  
 4 school shall make a good faith effort to complete a search for records  
 5 that are in an electronic format that is within a reasonable time in order  
 6 to minimize the amount of a search fee. The fee must be prorated to  
 7 reflect any search time of less than one (1) hour.

8       **(n) Except as provided in subsection (o), a public agency**  
 9       **<shall>[may] collect a supplemental fee for processing public**  
 10      **records requests submitted by non-Indiana residents or**  
 11      **out-of-state entities. The fee:**

12       **(1) must be reasonably related to the cost of fulfilling the**  
 13      **request; and**  
 14       **(2) may not exceed twenty-five cents (\$0.25) per page and**  
 15      **twenty-five dollars (\$25) per hour of staff time spent**  
 16      **processing the request.**

17       **(o) A public agency <shall>[may] waive the fee under**  
 18      **subsection (n) if the public agency finds that the public records**  
 19      **request serves the public interest.**

20       SECTION 5. IC 5-14-3-8.1 IS ADDED TO THE INDIANA CODE  
 21      AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 22      1, 2026]: Sec. 8.1. **(a) A public agency may give priority in fulfilling**  
 23      **public records requests to:**

24       **(1) Indiana residents; and**  
 25       **(2) requests submitted for civic, journalistic, academic, or**  
 26      **personal use.**

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

29       **(1) delayed as necessary to prevent disruption of core agency**  
 30      **functions; and**  
 31       **(2) subject to a fee under section 8(n) of this chapter.**

32       SECTION 6. IC 5-14-3-9, AS AMENDED BY P.L.58-2016,  
 33      SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34      JULY 1, 2026]: Sec. 9. **(a) This section does not apply to a request for**  
 35      **information under section 4.4 of this chapter.**

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

40       **(1) the person designated by the public agency as being**  
 41      **responsible for public records release decisions refuses to permit**  
 42      **inspection and copying of a public record when a request has**



1                   been made; or  
2                   (2) twenty-four (24) hours elapse after any employee of the  
3                   public agency refuses to permit inspection and copying of a  
4                   public record when a request has been made;

5 whichever occurs first.  
6 (c) If a person requests **by mail or by facsimile** a copy or copies of  
7 a public record **by mail, by facsimile, or through an electronic**  
8 **portal under section 3.3 of this chapter**, a denial of disclosure does  
9 not occur until seven (7) days have elapsed from the date the public  
10 agency receives the request.

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

18 (A) a statement of the specific exemption or exemptions  
19 authorizing the withholding of all or part of the public

20 record; and  
21 (B) the name and the title or position of the person  
22 responsible for the denial.

23 (e) A person who has been denied the right to inspect or copy a  
24 public record by a public agency may file an action in the circuit or  
25 superior court of the county in which the denial occurred to compel the  
26 public agency to permit the person to inspect and copy the public  
27 record. Whenever an action is filed under this subsection, the public  
28 agency must notify each person who supplied any part of the public  
29 record at issue:

29 record at issue.

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

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

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

39 (f) The court shall determine the matter de novo, with the burden  
40 of proof on the public agency to sustain its denial. If the issue in de  
41 novo review under this section is whether a public agency properly  
42 denied access to a public record because the record is exempted under



1 section 4(a) of this chapter, the public agency meets its burden of proof  
 2 under this subsection by establishing the content of the record with  
 3 adequate specificity and not by relying on a conclusory statement or  
 4 affidavit.

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

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

11           (A) proving that:

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

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

19           (B) establishing the content of the record with adequate  
 20           specificity and not by relying on a conclusory statement or  
 21           affidavit; and

22           (2) a person requesting access to a public record meets the  
 23           person's burden of proof under this subsection by proving that  
 24           the denial of access is arbitrary or capricious.

25           (h) The court may review the public record in camera to determine  
 26           whether any part of it may be withheld under this chapter. However, if  
 27           the complaint alleges that a public agency denied disclosure of a public  
 28           record by redacting information in the public record, the court shall  
 29           conduct an in camera inspection of the public record with the redacted  
 30           information included.

31           (i) Except as provided in subsection (k), in any action filed under  
 32           this section, a court shall award reasonable attorney's fees, court costs,  
 33           and other reasonable expenses of litigation to the prevailing party if:

34               (1) the plaintiff substantially prevails; or

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

37           Except as provided in subsection (k), the plaintiff is not eligible for the  
 38           awarding of attorney's fees, court costs, and other reasonable expenses  
 39           if the plaintiff filed the action without first seeking and receiving an  
 40           informal inquiry response or advisory opinion from the public access  
 41           counselor, unless the plaintiff can show the filing of the action was  
 42           necessary because the denial of access to a public record under this



1 chapter would prevent the plaintiff from presenting that public record  
 2 to a public agency preparing to act on a matter of relevance to the  
 3 public record whose disclosure was denied.

4 (j) Except as provided in subsection (k), a court may assess a civil  
 5 penalty under section 9.5 of this chapter only if the plaintiff obtained  
 6 an advisory opinion from the public access counselor before filing an  
 7 action under this section as set forth in section 9.5 of this chapter.

8 (k) This subsection applies only to an action to appeal the denial  
 9 of access to a law enforcement recording under section 5.1 of this  
 10 chapter. A requestor (as defined in section 5.1 of this chapter) may  
 11 bring an action to appeal from the denial of access to a law  
 12 enforcement recording without first seeking or receiving an informal  
 13 inquiry response or advisory opinion from the public access counselor.  
 14 If the requestor prevails in an action under this subsection:

15 (1) the requestor is eligible for an award of reasonable attorney's  
 16 fees, court costs, and other reasonable expenses; and

17 (2) a court may assess a civil penalty under section 9.5 of this  
 18 chapter.

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

21 SECTION 7. IC 5-14-3-11 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 23 1, 2026]: **Sec. 11. A public agency <shall>[may] report to the public  
 24 access counselor, through a standardized mechanism prescribed by  
 25 the public access counselor, public records requests received by the  
 26 public agency that are suspected by the public agency of being:**

27 (1) automated; or

28 (2) data scraping or phishing activity.

29 SECTION 8. IC 5-14-3-12 IS ADDED TO THE INDIANA CODE  
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 31 1, 2026]: **Sec. 12. Nothing in this chapter shall prevent the general  
 32 assembly from establishing reasonable and narrowly tailored  
 33 procedural safeguards to preserve the integrity and availability of  
 34 public agency resources.**

35 SECTION 9. IC 5-14-4-1.2 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 2026]: **Sec. 1.2. As used in this chapter, "data scraping" has the  
 38 meaning set forth in IC 5-14-3-2.**

39 SECTION 10. IC 5-14-4-2.5 IS ADDED TO THE INDIANA  
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. As used in this chapter,  
 42 "phishing" has the meaning set forth in IC 5-14-3-2.**



1 SECTION 11. IC 5-14-4-10 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. The counselor has  
 3 the following powers and duties:

4 (1) To establish and administer a program to train public  
 5 officials and educate the public on the rights of the public and  
 6 the responsibilities of public agencies under the public access  
 7 laws. The counselor may contract with a person or a public or  
 8 private entity to fulfill the counselor's responsibility under this  
 9 subdivision.

10 (2) To conduct research.

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

13 (4) To distribute to newly elected or appointed public officials  
 14 the public access laws and educational materials concerning the  
 15 public access laws.

16 (5) To respond to informal inquiries made by the public and  
 17 public agencies by telephone, in writing, in person, by facsimile,  
 18 or by electronic mail concerning the public access laws.

19 (6) To issue advisory opinions to interpret the public access laws  
 20 upon the request of a person or a public agency. However, the  
 21 counselor may not issue an advisory opinion concerning a  
 22 specific matter with respect to which a lawsuit has been filed  
 23 under IC 5-14-1.5 or IC 5-14-3.

24 (7) To make recommendations to the general assembly  
 25 concerning ways to improve public access.

26 **(8) To coordinate with public agencies to:**

27 (A) track the volume and nature of public records  
 28 requests received by public agencies; and

29 (B) identify patterns or sources of excessive, automated,  
 30 phishing related, or data scraping based public records  
 31 requests.

32 **(9) To establish a standardized mechanism by which public  
 33 agencies can report suspect public records requests under  
 34 IC 5-14-3-11.**

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

41 **(1) Summary information regarding:**

42 (A) the volume and nature of public records requests



**received by public agencies; and  
(B) public records requests reported to the counselor by  
public agencies under IC 5-14-3-11.**

- (†) (2) The total number of inquiries and complaints received.
- (‡) (3) The number of inquiries and complaints received each from the public, the media, and government agencies.
- (§) (4) The number of inquiries and complaints that were resolved.

9                   **(4) (5)** The number of complaints received about each of the  
10                  following:

- (A) State agencies.
  - (B) County agencies.
  - (C) City agencies.
  - (D) Town agencies.
  - (E) Township agencies.
  - (F) School corporations.
  - (G) Other local agencies

(5) (6) The number of complaints received concerning each of the following:

- (A) Public records.
  - (B) Public meetings.

(7) The total number of written advisory opinions issued and pending.

(8) Recommendations to the general assembly regarding statutory or administrative remedies to public records requests described in section 10(8)(B) of this chapter.

SECTION 13. IC 9-26-10-2, AS AMENDED BY P.L.11-2019,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section, "person" has the meaning set forth in ~~IC 5-14-3-2(n)~~. IC 5-14-3-2(o).

- (1) disclosure to any person; and
  - (2) public inspection under IC 5-14-3.

(c) The bureau may access information contained in the emergency contact data base for the purpose of deleting, logging, or revising emergency contact information contained in the emergency contact data base.

40 (d) A law enforcement officer may access information contained  
41 in the emergency contact data base for the purpose of complying with  
42 IC 9-26-2-5.

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1                   (e) A coroner may access information contained in the emergency  
2 contact data base in the performance of the coroner's duties.

3                   (f) Information contained in the emergency contact data base is  
4 subject to disclosure to an appropriate person upon the bureau's receipt  
5 of a:

6                   (1) grand jury subpoena; or  
7                   (2) subpoena related to a criminal investigation.[\[L\]](#)

8                   [\[L\]](#)

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