

Updated February 16, 2026 (4:49pm)

HOUSE BILL No. 1360

AM136003 has been incorporated into January 28, 2026 printing.

Synopsis: Access to public records.

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HB 1360—LS 6876/DI 119



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Reprinted
January 28, 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.

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.

HB 1360—LS 6876/DI 119



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- 1 ~~(d)~~ **(e)** "Direct cost" means one hundred five percent (105%) of the
2 sum of the cost of:
- 3 (1) the initial development of a program, if any;
- 4 (2) the labor required to retrieve electronically stored data;
- 5 (3) the labor required to:
- 6 (A) obscure nondisclosable information; and
- 7 (B) perform an administrative review to determine if all
8 nondisclosable information has been obscured;
- 9 in a law enforcement recording; and
- 10 (4) any medium used for electronic output;
- 11 for providing a duplicate of electronically stored data onto a disk, tape,
12 drum, or other medium of electronic data retrieval under section 8(g)
13 of this chapter, or for reprogramming a computer system under section
14 6(c) of this chapter. However, if the labor described in subdivision (3)
15 is performed by an attorney, the cost under subdivision (3) may not
16 exceed reasonable attorney's fees.
- 17 ~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a
18 public agency from an electronic geographic information system.
- 19 ~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record
20 by a person other than a governmental entity and that:
- 21 (1) is by means of an electronic device other than an electronic
22 device provided by a public agency in the office of the public
23 agency; or
- 24 (2) requires the compilation or creation of a list or report that
25 does not result in the permanent electronic storage of the
26 information.
- 27 ~~(g)~~ **(h)** "Facsimile machine" means a machine that electronically
28 transmits exact images through connection with a telephone network.
- 29 ~~(h)~~ **(i)** "Inspect" includes the right to do the following:
- 30 (1) Manually transcribe and make notes, abstracts, or
31 memoranda.
- 32 (2) In the case of tape recordings or other aural public records,
33 to listen and manually transcribe or duplicate, or make notes,
34 abstracts, or other memoranda from them.
- 35 (3) In the case of public records available:
- 36 (A) by enhanced access under section 3.5 of this chapter; or
37 (B) to a governmental entity under section 3(c)(2) of this
38 chapter;
- 39 to examine and copy the public records by use of an electronic
40 device.
- 41 (4) In the case of electronically stored data, to manually
42 transcribe and make notes, abstracts, or memoranda or to

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1 duplicate the data onto a disk, tape, drum, or any other medium
2 of electronic storage.

3 ~~(i)~~ **(j)** "Investigatory record" means information compiled in the
4 course of the investigation of a crime.

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

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

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

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

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

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

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

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

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

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

42 ~~(o)~~ **(q)** "Private university police department" means the police

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1 officers appointed by the governing board of a private university under
2 IC 21-17-5.

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

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

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

14 (2) Any:

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

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

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

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

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

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

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

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

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

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HB 1360—LS 6876/DI 119



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1 department of natural resources, gaming agents of the Indiana
2 gaming commission, gaming control officers of the Indiana
3 gaming commission, and the security division of the state lottery
4 commission.

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

6 (8) The state lottery commission established by IC 4-30-3-1,
7 including any department, division, or office of the commission.

8 (9) The Indiana gaming commission established under IC 4-33,
9 including any department, division, or office of the commission.

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

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

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

24 (s) (u) "Standard-sized documents" includes all documents that
25 can be mechanically reproduced (without mechanical reduction) on
26 paper sized eight and one-half (8 1/2) inches by eleven (11) inches or
27 eight and one-half (8 1/2) inches by fourteen (14) inches.

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

29 (u) (w) "Work product of an attorney" means information
30 compiled by an attorney in reasonable anticipation of litigation. The
31 term includes the attorney's:

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

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

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

HB 1360—LS 6876/DI 119



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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 tracks and reports submissions suspected**
- 9 **to be automated or to have originated from known sources**
- 10 **of phishing or data scraping.**

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

- 14 **(1) The public agency suspects the request to be data**
- 15 **scraping or phishing activity.**
- 16 **(2) The public agency suspects that responding to the request**
- 17 **electronically may:**
 - 18 **(A) expose the public agency's electronic systems or data**
 - 19 **to unauthorized access or alteration; or**
 - 20 **(B) otherwise jeopardize the security of the public**
 - 21 **agency's electronic systems or data.**

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

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

- 34 (1) Deny disclosure of the record or a part of the record. The
- 35 person requesting the information may appeal the denial under
- 36 section 9 of this chapter.
- 37 (2) Refuse to confirm or deny the existence of the record,
- 38 regardless of whether the record exists or does not exist, if the
- 39 fact of the record's existence or nonexistence would reveal
- 40 information that would:
 - 41 (A) impede or compromise an ongoing law enforcement
 - 42 investigation or result in danger to an individual's safety,

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- 1 including the safety of a law enforcement officer or a
 2 confidential source; or
 3 (B) reveal information that would have a reasonable
 4 likelihood of threatening public safety.
- 5 (b) This subsection applies to a request for a record that the public
 6 agency considers to be excepted from disclosure under section 4(b)(19)
 7 of this chapter. The agency may consult with the governor's security
 8 council established by IC 10-19-8.1-2 in formulating a response. The
 9 public agency may do either of the following:
- 10 (1) Deny disclosure of the record or a part of the record. The
 11 agency or the counterterrorism and security council shall provide
 12 a general description of the record being withheld and of how
 13 disclosure of the record would have a reasonable likelihood of
 14 threatening public safety by exposing a vulnerability to terrorist
 15 attack. The person requesting the information may appeal the
 16 denial under section 9 of this chapter.
- 17 (2) Refuse to confirm or deny the existence of the record
 18 regardless of whether the record exists or does not exist, if the
 19 fact of the record's existence or nonexistence would reveal
 20 information that would have a reasonable likelihood of
 21 threatening public safety.
- 22 (c) If a public agency does not respond to a request for a record
 23 under this section:
- 24 (1) within twenty-four (24) hours of receiving the request for a
 25 record from a person who:
- 26 (A) is physically present in the agency office;
 27 (B) makes the request by telephone; or
 28 (C) requests enhanced access to a document; or
- 29 (2) within seven (7) days of receiving the request for a record
 30 made by mail, ~~or by facsimile~~, **or through an electronic portal**
 31 **under section 3.3 of this chapter;**
 32 the request for the record is deemed denied. The person requesting the
 33 information may appeal the denial under section 9 of this chapter.
- 34 (d) If a public agency refuses to confirm or deny the existence of
 35 a record under this section, the name and title or position of the person
 36 responsible for the refusal shall be given to the person making the
 37 records request.
- 38 (e) A person who has received a refusal from an agency to confirm
 39 or deny the existence of a record may file an action in the circuit or
 40 superior court of the county in which the response was received:
- 41 (1) to compel the public agency to confirm whether the record
 42 exists or does not exist; and

HB 1360—LS 6876/DI 119



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- 1 (2) if the public agency confirms that the record exists, to
 2 compel the agency to permit the person to inspect and copy the
 3 record.
- 4 (f) The court shall determine the matter de novo, with the burden
 5 of proof on the public agency to sustain its refusal to confirm or deny
 6 the existence of the record. The public agency meets its burden of proof
 7 by filing a public affidavit with the court that provides with reasonable
 8 specificity of detail, and not simply conclusory statements, the basis of
 9 the agency's claim that it cannot be required to confirm or deny the
 10 existence of the requested record. If the public agency meets its burden
 11 of proof, the burden of proof shifts to the person requesting access to
 12 the record. The person requesting access to the record meets the
 13 person's burden of proof by proving any of the following:
- 14 (1) The agency's justifications for not confirming the existence
 15 of the record contradict other evidence in the trial record.
- 16 (2) The agency is withholding the record in bad faith.
- 17 (3) An official with authority to speak for the agency has
 18 acknowledged to the public in a documented disclosure that the
 19 record exists. The person requesting the record must prove that
 20 the information requested:
- 21 (A) is as specific as the information previously disclosed;
 22 and
 23 (B) matches the previously disclosed information.
- 24 (g) Either party may make an interlocutory appeal of the trial
 25 court's determination on whether the agency's refusal to confirm or
 26 deny the existence of the record was proper.
- 27 (h) If the court, after the disposition of any interlocutory appeals,
 28 finds that the agency's refusal to confirm or deny was improper, the
 29 court shall order the agency to disclose whether the record exists or
 30 does not exist. If the record exists and the agency claims that the record
 31 is exempt from disclosure under this chapter, the court may review the
 32 public record in camera to determine whether any part of the record
 33 may be withheld.
- 34 (i) In an action filed under this section, the court shall award
 35 reasonable attorney's fees, court costs, and other reasonable expenses
 36 of litigation to the prevailing party if:
- 37 (1) the plaintiff substantially prevails; or
 38 (2) the defendant substantially prevails and the court finds the
 39 action was frivolous or vexatious.
- 40 A plaintiff is eligible for the awarding of attorney's fees, court costs,
 41 and other reasonable expenses regardless of whether the plaintiff filed
 42 the action without first seeking and receiving an informal inquiry

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HB 1360—LS 6876/DI 119



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1 response or advisory opinion from the public access counselor.

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

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

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

11 (1) To inspect a public record.

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

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

19 (4) To provide an electronic copy of a public record by
20 electronic mail. However, a public agency may charge a fee for
21 a public record transmitted by electronic mail if the fee for the
22 public record is authorized under:

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

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

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

27 (c) The Indiana department of administration shall establish a
28 uniform copying fee for the copying of one (1) page of a standard-sized
29 document by state agencies. The fee may not exceed the average cost
30 of copying records by state agencies or ten cents (\$0.10) per page,
31 whichever is greater. **Except as provided in subsection (n)**, a state
32 agency may not collect more than the uniform copying fee for
33 providing a copy of a public record. However, a state agency shall
34 establish and collect a reasonable fee for copying nonstandard-sized
35 documents.

36 (d) This subsection applies to a public agency that is not a state
37 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
38 agency, or the governing body, if there is no fiscal body, shall establish
39 a fee schedule for the certification or copying of documents. The fee for
40 certification of documents may not exceed five dollars (\$5) per
41 document. The fee for copying documents may not exceed the greater
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- 1 (1) ten cents (\$0.10) per page for copies that are not color copies
- 2 or twenty-five cents (\$0.25) per page for color copies; or
- 3 (2) the actual cost to the agency of copying the document.
- 4 As used in this subsection, "actual cost" means the cost of paper and
- 5 the per-page cost for use of copying or facsimile equipment and does
- 6 not include labor costs or overhead costs. A fee established under this
- 7 subsection must be uniform throughout the public agency and uniform
- 8 to all purchasers.
- 9 (e) If:
- 10 (1) a person is entitled to a copy of a public record under this
- 11 chapter; and
- 12 (2) the public agency which is in possession of the record has
- 13 reasonable access to a machine capable of reproducing the
- 14 public record;
- 15 the public agency must provide at least one (1) copy of the public
- 16 record to the person. However, if a public agency does not have
- 17 reasonable access to a machine capable of reproducing the record or if
- 18 the person cannot reproduce the record by use of enhanced access
- 19 under section 3.5 of this chapter, the person is only entitled to inspect
- 20 and manually transcribe the record. A public agency may require that
- 21 the payment for search and copying costs be made in advance.
- 22 (f) Notwithstanding subsection (b), (c), (d), (g), (h), ~~or (i)~~, **or (n)**,
- 23 a public agency shall collect any certification, copying, facsimile
- 24 machine transmission, or search fee that is specified by statute or is
- 25 ordered by a court.
- 26 (g) Except as provided by subsection (h), for providing a duplicate
- 27 of a computer tape, computer disc, microfilm, law enforcement
- 28 recording, or similar or analogous record system containing
- 29 information owned by the public agency or entrusted to it, a public
- 30 agency may charge a fee, uniform to all purchasers, that does not
- 31 exceed the sum of the following:
- 32 (1) The agency's direct cost of supplying the information in that
- 33 form. However, the fee for a copy of a law enforcement
- 34 recording may not exceed one hundred fifty dollars (\$150).
- 35 (2) The standard cost for selling the same information to the
- 36 public in the form of a publication if the agency has published
- 37 the information and made the publication available for sale.
- 38 (3) In the case of the legislative services agency, a reasonable
- 39 percentage of the agency's direct cost of maintaining the system
- 40 in which the information is stored. However, the amount charged
- 41 by the legislative services agency under this subdivision may not
- 42 exceed the sum of the amounts it may charge under subdivisions

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- 1 (1) and (2).
 2 (h) This subsection applies to the fee charged by a public agency
 3 for providing enhanced access to a public record. A public agency may
 4 charge any reasonable fee agreed on in the contract under section 3.5
 5 of this chapter for providing enhanced access to public records.
 6 (i) This subsection applies to the fee charged by a public agency
 7 for permitting a governmental entity to inspect public records by means
 8 of an electronic device. A public agency may charge any reasonable fee
 9 for the inspection of public records under this subsection, or the public
 10 agency may waive any fee for the inspection.
 11 (j) Except as provided in subsection (k), a public agency may
 12 charge a fee, uniform to all purchasers, for providing an electronic map
 13 that is based upon a reasonable percentage of the agency's direct cost
 14 of maintaining, upgrading, and enhancing the electronic map and for
 15 the direct cost of supplying the electronic map in the form requested by
 16 the purchaser. If the public agency is within a political subdivision
 17 having a fiscal body, the fee is subject to the approval of the fiscal body
 18 of the political subdivision.
 19 (k) The fee charged by a public agency under subsection (j) to
 20 cover costs for maintaining, upgrading, and enhancing an electronic
 21 map may be waived by the public agency if the electronic map for
 22 which the fee is charged will be used for a noncommercial purpose,
 23 including the following:
 24 (1) Public agency program support.
 25 (2) Nonprofit activities.
 26 (3) Journalism.
 27 (4) Academic research.
 28 (l) This subsection does not apply to a state agency. A fee
 29 collected under subsection (g) for the copying of a law enforcement
 30 recording may be:
 31 (1) retained by the public agency; and
 32 (2) used without appropriation for one (1) or more of the
 33 following purposes:
 34 (A) To purchase cameras and other equipment for use in
 35 connection with the agency's law enforcement recording
 36 program.
 37 (B) For training concerning law enforcement recording.
 38 (C) To defray the expenses of storing, producing, and
 39 copying law enforcement recordings.
 40 Money from a fee described in this subsection does not revert to the
 41 local general fund at the end of a fiscal year.
 42 (m) This subsection applies to a school corporation and a charter

HB 1360—LS 6876/DI 119



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1 school. For purposes of this subsection, "computer processing time"
 2 means the amount of time a computer takes to process a command or
 3 script to extract or copy electronically stored data that is the subject of
 4 a public records request. A school corporation or charter school may
 5 not charge a fee for the first five (5) hours required to search for
 6 records that are in an electronic format. A school corporation or charter
 7 school may charge a search fee for any time spent searching for records
 8 that are in an electronic format that exceeds five (5) hours. If the school
 9 corporation or charter school charges a search fee, the school
 10 corporation or charter school shall charge an hourly fee that does not
 11 exceed the lesser of:

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

14 A school corporation or charter school charging an hourly fee under
 15 this subsection for searching for records that are in an electronic format
 16 may charge only for time that the person making the search actually
 17 spends in searching for the records that are in an electronic format. A
 18 school corporation or charter school may not charge for computer
 19 processing time and may not establish a minimum fee for searching for
 20 records that are in an electronic format. A school corporation or charter
 21 school shall make a good faith effort to complete a search for records
 22 that are in an electronic format that is within a reasonable time in order
 23 to minimize the amount of a search fee. The fee must be prorated to
 24 reflect any search time of less than one (1) hour.

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

- 29 (1) **must be reasonably related to the cost of fulfilling the**
 30 **request; and**
 31 (2) **may not exceed twenty-five cents (\$0.25) per page and**
 32 **twenty-five dollars (\$25) per hour of staff time spent**
 33 **processing the request.**

34 **(o) A public agency may waive the fee under subsection (n) if**
 35 **the public agency finds that the public records request serves the**
 36 **public interest.**

37 SECTION 5. IC 5-14-3-8.1 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2026]: **Sec. 8.1. (a) A public agency may give priority in fulfilling**
 40 **public records requests to:**

- 41 (1) **Indiana residents; and**
 42 (2) **requests submitted for civic, journalistic, academic, or**

HB 1360—LS 6876/DI 119



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1 **personal use.**
2 **(b) Requests identified as originating from out-of-state entities**
3 **or automated systems may be:**
4 **(1) delayed as necessary to prevent disruption of core agency**
5 **functions; and**
6 **(2) subject to a fee under section 8(n) of this chapter.**
7 SECTION 6. IC 5-14-3-9, AS AMENDED BY P.L.58-2016,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 9. (a) This section does not apply to a request for
10 information under section 4.4 of this chapter.
11 (b) A denial of disclosure by a public agency occurs when the
12 person making the request is physically present in the office of the
13 agency, makes the request by telephone, or requests enhanced access
14 to a document and:
15 (1) the person designated by the public agency as being
16 responsible for public records release decisions refuses to permit
17 inspection and copying of a public record when a request has
18 been made; or
19 (2) twenty-four (24) hours elapse after any employee of the
20 public agency refuses to permit inspection and copying of a
21 public record when a request has been made;
22 whichever occurs first.
23 (c) If a person requests ~~by mail or by facsimile~~ a copy or copies of
24 a public record **by mail, by facsimile, or through an electronic**
25 **portal under section 3.3 of this chapter**, a denial of disclosure does
26 not occur until seven (7) days have elapsed from the date the public
27 agency receives the request.
28 (d) If a request is made orally, either in person or by telephone, a
29 public agency may deny the request orally. However, if a request
30 initially is made in writing, by facsimile, or through enhanced access,
31 or if an oral request that has been denied is renewed in writing or by
32 facsimile, a public agency may deny the request if:
33 (1) the denial is in writing or by facsimile; and
34 (2) the denial includes:
35 (A) a statement of the specific exemption or exemptions
36 authorizing the withholding of all or part of the public
37 record; and
38 (B) the name and the title or position of the person
39 responsible for the denial.
40 (e) A person who has been denied the right to inspect or copy a
41 public record by a public agency may file an action in the circuit or
42 superior court of the county in which the denial occurred to compel the

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1 public agency to permit the person to inspect and copy the public
 2 record. Whenever an action is filed under this subsection, the public
 3 agency must notify each person who supplied any part of the public
 4 record at issue:

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

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

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

14 (f) The court shall determine the matter de novo, with the burden
 15 of proof on the public agency to sustain its denial. If the issue in de
 16 novo review under this section is whether a public agency properly
 17 denied access to a public record because the record is exempted under
 18 section 4(a) of this chapter, the public agency meets its burden of proof
 19 under this subsection by establishing the content of the record with
 20 adequate specificity and not by relying on a conclusory statement or
 21 affidavit.

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

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

28 (A) proving that:

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

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

36 (B) establishing the content of the record with adequate
 37 specificity and not by relying on a conclusory statement or
 38 affidavit; and

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

42 (h) The court may review the public record in camera to determine

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HB 1360—LS 6876/DI 119



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1 whether any part of it may be withheld under this chapter. However, if
 2 the complaint alleges that a public agency denied disclosure of a public
 3 record by redacting information in the public record, the court shall
 4 conduct an in camera inspection of the public record with the redacted
 5 information included.

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

9 (1) the plaintiff substantially prevails; or

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

12 Except as provided in subsection (k), the plaintiff is not eligible for the
 13 awarding of attorney's fees, court costs, and other reasonable expenses
 14 if the plaintiff filed the action without first seeking and receiving an
 15 informal inquiry response or advisory opinion from the public access
 16 counselor, unless the plaintiff can show the filing of the action was
 17 necessary because the denial of access to a public record under this
 18 chapter would prevent the plaintiff from presenting that public record
 19 to a public agency preparing to act on a matter of relevance to the
 20 public record whose disclosure was denied.

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

25 (k) This subsection applies only to an action to appeal the denial
 26 of access to a law enforcement recording under section 5.1 of this
 27 chapter. A requestor (as defined in section 5.1 of this chapter) may
 28 bring an action to appeal from the denial of access to a law
 29 enforcement recording without first seeking or receiving an informal
 30 inquiry response or advisory opinion from the public access counselor.
 31 If the requestor prevails in an action under this subsection:

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

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

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

38 SECTION 7. IC 5-14-3-11 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2026]: **Sec. 11. In addition to providing the public access
 41 counselor with notice of a request to which the public agency has
 42 declined to respond under section 3.3 of this chapter, a public**

HB 1360—LS 6876/DI 119



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1 agency shall report to the public access counselor, through a
2 standardized mechanism prescribed by the public access counselor,
3 any public records request received by the public agency that is
4 suspected by the public agency of being:

- 5 (1) automated; or
- 6 (2) data scraping or phishing activity.

7 SECTION 8. IC 5-14-3-12 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2026]: **Sec. 12. Nothing in this chapter shall prevent the general
10 assembly from establishing reasonable and narrowly tailored
11 procedural safeguards to preserve the integrity and availability of
12 public agency resources.**

13 SECTION 9. IC 5-14-4-1.2 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2026]: **Sec. 1.2. As used in this chapter, "data scraping" has the
16 meaning set forth in IC 5-14-3-2.**

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

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

- 24 (1) To establish and administer a program to train public
25 officials and educate the public on the rights of the public and
26 the responsibilities of public agencies under the public access
27 laws. The counselor may contract with a person or a public or
28 private entity to fulfill the counselor's responsibility under this
29 subdivision.
- 30 (2) To conduct research.
- 31 (3) To prepare interpretive and educational materials and
32 programs in cooperation with the office of the attorney general.
- 33 (4) To distribute to newly elected or appointed public officials
34 the public access laws and educational materials concerning the
35 public access laws.
- 36 (5) To respond to informal inquiries made by the public and
37 public agencies by telephone, in writing, in person, by facsimile,
38 or by electronic mail concerning the public access laws.
- 39 (6) To issue advisory opinions to interpret the public access laws
40 upon the request of a person or a public agency. However, the
41 counselor may not issue an advisory opinion concerning a
42 specific matter with respect to which a lawsuit has been filed

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- 1 under IC 5-14-1.5 or IC 5-14-3.
- 2 (7) To make recommendations to the general assembly
- 3 concerning ways to improve public access.
- 4 **(8) To coordinate with public agencies to:**
- 5 **(A) track the volume and nature of public records**
- 6 **requests received by public agencies; and**
- 7 **(B) identify patterns or sources of excessive, automated,**
- 8 **phishing related, or data scraping based public records**
- 9 **requests.**
- 10 **(9) To establish a standardized mechanism by which public**
- 11 **agencies can report suspect public records requests under**
- 12 **IC 5-14-3-11.**
- 13 SECTION 12. IC 5-14-4-12 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The counselor shall
- 15 submit a report in an electronic format under IC 5-14-6 not later than
- 16 June 30 of each year to the legislative services agency concerning the
- 17 activities of the counselor for the previous year. The report must
- 18 include the following information:
- 19 **(1) Summary information regarding:**
- 20 **(A) the volume and nature of public records requests**
- 21 **received by public agencies; and**
- 22 **(B) public records requests reported to the counselor by**
- 23 **public agencies under IC 5-14-3-11.**
- 24 ~~(1)~~ **(2)** The total number of inquiries and complaints received.
- 25 ~~(2)~~ **(3)** The number of inquiries and complaints received each
- 26 from the public, the media, and government agencies.
- 27 ~~(3)~~ **(4)** The number of inquiries and complaints that were
- 28 resolved.
- 29 ~~(4)~~ **(5)** The number of complaints received about each of the
- 30 following:
- 31 (A) State agencies.
- 32 (B) County agencies.
- 33 (C) City agencies.
- 34 (D) Town agencies.
- 35 (E) Township agencies.
- 36 (F) School corporations.
- 37 (G) Other local agencies.
- 38 ~~(5)~~ **(6)** The number of complaints received concerning each of
- 39 the following:
- 40 (A) Public records.
- 41 (B) Public meetings.
- 42 ~~(6)~~ **(7)** The total number of written advisory opinions issued and

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1 pending.

2 **(8) Recommendations to the general assembly regarding**

3 **statutory or administrative remedies to public records**

4 **requests described in section 10(8)(B) of this chapter.**

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

6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

7 JULY 1, 2026]: Sec. 2. (a) As used in this section, "person" has the

8 meaning set forth in ~~IC 5-14-3-2(n)~~. **IC 5-14-3-2(o)**.

9 (b) Except as provided in subsections (c), (d), (e), and (f), all

10 information contained in the emergency contact data base is

11 confidential and exempt from:

12 (1) disclosure to any person; and

13 (2) public inspection under IC 5-14-3.

14 (c) The bureau may access information contained in the

15 emergency contact data base for the purpose of deleting, logging, or

16 revising emergency contact information contained in the emergency

17 contact data base.

18 (d) A law enforcement officer may access information contained

19 in the emergency contact data base for the purpose of complying with

20 IC 9-26-2-5.

21 (e) A coroner may access information contained in the emergency

22 contact data base in the performance of the coroner's duties.

23 (f) Information contained in the emergency contact data base is

24 subject to disclosure to an appropriate person upon the bureau's receipt

25 of a:

26 (1) grand jury subpoena; or

27 (2) subpoena related to a criminal investigation.

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