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# HOUSE BILL No. 1360

Proposed Changes to January 28, 2026 printing by AM136003

## DIGEST OF PROPOSED AMENDMENT

Suspect public records requests. Provides that an electronic public records request portal established by a public agency must track (rather than log, under the current version of the bill) public records requests that the public agency suspects to be automated, data scraping activity, or phishing activity (suspect public records requests). Provides that a public agency may decline to respond to a suspect public records request regardless of whether the request is received electronically.

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

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

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

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

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

7 The term does not include an administrative activity, including the  
 8 completion of paperwork related to a law enforcement activity, or a  
 9 custodial interrogation conducted in a place of detention as described  
 10 in Indiana Evidence Rule 617, regardless of the ultimate admissibility  
 11 of a statement made during the custodial interrogation.

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

- 15 (1) provided to or used by a law enforcement officer in the scope  
 16 of the officer's duties; and
- 17 (2) designed to be worn by a law enforcement officer or attached  
 18 to the vehicle or transportation of a law enforcement officer.

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

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

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

26 **(p) "Phishing" means a method of obtaining information**  
 27 **through fraud in which the sender of a communication**  
 28 **intentionally misrepresents the identity of the sender in order to**  
 29 **induce the recipient of the communication to:**

- 30 **(1) divulge the information to the sender; or**
- 31 **(2) take an action that allows the sender access to the**  
 32 **information.**

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

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

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

- 43 (1) Any board, commission, department, division, bureau,  
 44 committee, agency, office, instrumentality, or authority, by  
 45 whatever name designated, exercising any part of the executive,  
 46 administrative, judicial, or legislative power of the state.
- 47 (2) Any:
  - 48 (A) county, township, school corporation, city, or town, or
  - 49 any board, commission, department, division, bureau,

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- 1                   committee, office, instrumentality, or authority of any
- 2                   county, township, school corporation, city, or town;
- 3                   (B) political subdivision (as defined by IC 36-1-2-13); or
- 4                   (C) other entity, or any office thereof, by whatever name
- 5                   designated, exercising in a limited geographical area the
- 6                   executive, administrative, judicial, or legislative power of
- 7                   the state or a delegated local governmental power.
- 8                   (3) Any entity or office that is subject to:
- 9                   (A) budget review by either the department of local
- 10                  government finance or the governing body of a county, city,
- 11                  town, township, or school corporation; or
- 12                  (B) an audit by the state board of accounts that is required
- 13                  by statute, rule, or regulation.
- 14                  (4) Any building corporation of a political subdivision that issues
- 15                  bonds for the purpose of constructing public facilities.
- 16                  (5) Any advisory commission, committee, or body created by
- 17                  statute, ordinance, or executive order to advise the governing
- 18                  body of a public agency, except medical staffs or the committees
- 19                  of any such staff.
- 20                  (6) Any law enforcement agency, which means an agency or a
- 21                  department of any level of government that engages in the
- 22                  investigation, apprehension, arrest, or prosecution of alleged
- 23                  criminal offenders, such as the state police department, the
- 24                  police or sheriff's department of a political subdivision,
- 25                  prosecuting attorneys, members of the excise police division of
- 26                  the alcohol and tobacco commission, conservation officers of the
- 27                  department of natural resources, gaming agents of the Indiana
- 28                  gaming commission, gaming control officers of the Indiana
- 29                  gaming commission, and the security division of the state lottery
- 30                  commission.
- 31                  (7) Any license branch operated under IC 9-14.1.
- 32                  (8) The state lottery commission established by IC 4-30-3-1,
- 33                  including any department, division, or office of the commission.
- 34                  (9) The Indiana gaming commission established under IC 4-33,
- 35                  including any department, division, or office of the commission.
- 36                  (10) The Indiana horse racing commission established by
- 37                  IC 4-31, including any department, division, or office of the
- 38                  commission.
- 39                  (11) A private university police department. The term does not
- 40                  include the governing board of a private university or any other
- 41                  department, division, board, entity, or office of a private
- 42                  university.
- 43                  (†) (t) "Public record" means any writing, paper, report, study,
- 44                  map, photograph, book, card, tape recording, or other material that is
- 45                  created, received, retained, maintained, or filed by or with a public
- 46                  agency and which is generated on paper, paper substitutes,
- 47                  photographic media, chemically based media, magnetic or machine
- 48                  readable media, electronically stored data, or any other material,
- 49                  regardless of form or characteristics.

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

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

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

9 (1) notes and statements taken during interviews of prospective  
 10 witnesses; and

11 (2) legal research or records, correspondence, reports, or  
 12 memoranda to the extent that each contains the attorney's  
 13 opinions, theories, or conclusions.

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

16 SECTION 2. IC 5-14-3-3.3 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 2026]: Sec. 3.3. (a) A public agency may establish and maintain  
 19 an electronic portal for submission of public records requests that:

20 (1) incorporates Completely Automated Public Turing test  
 21 to tell Computers and Humans Apart (CAPTCHA) or an  
 22 equivalent mechanism for ensuring that a requestor is a  
 23 human;

24 (2) requires verification of a requestor's physical address;

25 (3) indicates to the public agency whether the requestor is a  
 26 resident of Indiana; and

27 (4) automatically ~~logs~~ [tracks] and reports submissions  
 28 suspected to be automated or to have originated from known  
 29 sources of phishing or data scraping.

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

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

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

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

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

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

47 SECTION 3. IC 5-14-3-4.4, AS AMENDED BY P.L.249-2019,  
 48 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 49 JULY 1, 2026]: Sec. 4.4. (a) This section applies to a request for a

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1 record that the public agency considers to be excepted from disclosure  
 2 under section 4(b)(1) or 4(b)(25) of this chapter. The public agency  
 3 may do either of the following:

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

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

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

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

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

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

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

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

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

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

39 (B) makes the request by telephone; or

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

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

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

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

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

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

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

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

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

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

22 (3) An official with authority to speak for the agency has  
23 acknowledged to the public in a documented disclosure that the  
24 record exists. The person requesting the record must prove that  
25 the information requested:

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

28 (B) matches the previously disclosed information.

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

32 (h) If the court, after the disposition of any interlocutory appeals,  
33 finds that the agency's refusal to confirm or deny was improper, the  
34 court shall order the agency to disclose whether the record exists or  
35 does not exist. If the record exists and the agency claims that the record  
36 is exempt from disclosure under this chapter, the court may review the  
37 public record in camera to determine whether any part of the record  
38 may be withheld.

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

42 (1) the plaintiff substantially prevails; or

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

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

49 (j) A court that hears an action under this section may not assess

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1 a civil penalty under section 9.5 of this chapter in connection with the  
2 action.

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

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

9 (1) To inspect a public record.

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

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

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

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

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

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

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

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

41 (1) ten cents (\$0.10) per page for copies that are not color copies  
42 or twenty-five cents (\$0.25) per page for color copies; or

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

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

49 (e) If:

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1 (1) a person is entitled to a copy of a public record under this  
2 chapter; and

3 (2) the public agency which is in possession of the record has  
4 reasonable access to a machine capable of reproducing the  
5 public record;

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

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

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

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

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

29 (3) In the case of the legislative services agency, a reasonable  
30 percentage of the agency's direct cost of maintaining the system  
31 in which the information is stored. However, the amount charged  
32 by the legislative services agency under this subdivision may not  
33 exceed the sum of the amounts it may charge under subdivisions  
34 (1) and (2).

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

39 (i) This subsection applies to the fee charged by a public agency  
40 for permitting a governmental entity to inspect public records by means  
41 of an electronic device. A public agency may charge any reasonable fee  
42 for the inspection of public records under this subsection, or the public  
43 agency may waive any fee for the inspection.

44 (j) Except as provided in subsection (k), a public agency may  
45 charge a fee, uniform to all purchasers, for providing an electronic map  
46 that is based upon a reasonable percentage of the agency's direct cost  
47 of maintaining, upgrading, and enhancing the electronic map and for  
48 the direct cost of supplying the electronic map in the form requested by  
49 the purchaser. If the public agency is within a political subdivision

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1 having a fiscal body, the fee is subject to the approval of the fiscal body  
2 of the political subdivision.

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

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

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

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

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

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

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

40 A school corporation or charter school charging an hourly fee under  
41 this subsection for searching for records that are in an electronic format  
42 may charge only for time that the person making the search actually  
43 spends in searching for the records that are in an electronic format. A  
44 school corporation or charter school may not charge for computer  
45 processing time and may not establish a minimum fee for searching for  
46 records that are in an electronic format. A school corporation or charter  
47 school shall make a good faith effort to complete a search for records  
48 that are in an electronic format that is within a reasonable time in order  
49 to minimize the amount of a search fee. The fee must be prorated to

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1 reflect any search time of less than one (1) hour.

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

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

8 (2) **may not exceed twenty-five cents (\$0.25) per page and**  
9 **twenty-five dollars (\$25) per hour of staff time spent**  
10 **processing the request.**

11 (o) **A public agency may waive the fee under subsection (n) if**  
12 **the public agency finds that the public records request serves the**  
13 **public interest.**

14 SECTION 5. IC 5-14-3-8.1 IS ADDED TO THE INDIANA CODE  
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2026]: **Sec. 8.1. (a) A public agency may give priority in fulfilling**  
17 **public records requests to:**

18 (1) **Indiana residents; and**

19 (2) **requests submitted for civic, journalistic, academic, or**  
20 **personal use.**

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

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

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

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

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

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

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

41 **whichever occurs first.**

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

47 (d) **If a request is made orally, either in person or by telephone, a**  
48 **public agency may deny the request orally. However, if a request**  
49 **initially is made in writing, by facsimile, or through enhanced access,**

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1 or if an oral request that has been denied is renewed in writing or by  
2 facsimile, a public agency may deny the request if:

- 3 (1) the denial is in writing or by facsimile; and
- 4 (2) the denial includes:
  - 5 (A) a statement of the specific exemption or exemptions
  - 6 authorizing the withholding of all or part of the public
  - 7 record; and
  - 8 (B) the name and the title or position of the person
  - 9 responsible for the denial.

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

- 17 (1) that a request for release of the public record has been
- 18 denied; and
- 19 (2) whether the denial was in compliance with an informal
- 20 inquiry response or advisory opinion of the public access
- 21 counselor.

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

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

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

- 38 (1) the public agency meets its burden of proof under this
- 39 subsection by:
  - 40 (A) proving that:
    - 41 (i) the record falls within any one (1) of the categories
    - 42 of exempted records under section 4(b) of this chapter;
    - 43 and
    - 44 (ii) if the action is for denial of access to a recording
    - 45 under section 5.1 of this chapter, the plaintiff is not a
    - 46 "requestor" as that term is defined in section 5.1 of this
    - 47 chapter; and
    - 48 (B) establishing the content of the record with adequate
    - 49 specificity and not by relying on a conclusory statement or

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affidavit; and

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

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

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

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

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

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

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

- (1) the requestor is eligible for an award of reasonable attorney's fees, court costs, and other reasonable expenses; and
- (2) a court may assess a civil penalty under section 9.5 of this chapter.

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

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

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1 any public records request received by the public agency that is  
2 suspected by the public agency of being:

- 3 (1) automated; or
- 4 (2) data scraping or phishing activity.

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

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

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

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

- 22 (1) To establish and administer a program to train public  
23 officials and educate the public on the rights of the public and  
24 the responsibilities of public agencies under the public access  
25 laws. The counselor may contract with a person or a public or  
26 private entity to fulfill the counselor's responsibility under this  
27 subdivision.
- 28 (2) To conduct research.
- 29 (3) To prepare interpretive and educational materials and  
30 programs in cooperation with the office of the attorney general.
- 31 (4) To distribute to newly elected or appointed public officials  
32 the public access laws and educational materials concerning the  
33 public access laws.
- 34 (5) To respond to informal inquiries made by the public and  
35 public agencies by telephone, in writing, in person, by facsimile,  
36 or by electronic mail concerning the public access laws.
- 37 (6) To issue advisory opinions to interpret the public access laws  
38 upon the request of a person or a public agency. However, the  
39 counselor may not issue an advisory opinion concerning a  
40 specific matter with respect to which a lawsuit has been filed  
41 under IC 5-14-1.5 or IC 5-14-3.
- 42 (7) To make recommendations to the general assembly  
43 concerning ways to improve public access.
- 44 (8) **To coordinate with public agencies to:**
  - 45 (A) track the volume and nature of public records  
46 requests received by public agencies; and
  - 47 (B) identify patterns or sources of excessive, automated,  
48 phishing related, or data scraping based public records  
49 requests.

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

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

- 10           **(1) Summary information regarding:**
  - 11               **(A) the volume and nature of public records requests**
  - 12               **received by public agencies; and**
  - 13               **(B) public records requests reported to the counselor by**
  - 14               **public agencies under IC 5-14-3-11.**

15           ~~(1)~~ **(2)** The total number of inquiries and complaints received.  
16           ~~(2)~~ **(3)** The number of inquiries and complaints received each  
17           from the public, the media, and government agencies.

18           ~~(3)~~ **(4)** The number of inquiries and complaints that were  
19           resolved.

20           ~~(4)~~ **(5)** The number of complaints received about each of the  
21           following:

- 22               (A) State agencies.
- 23               (B) County agencies.
- 24               (C) City agencies.
- 25               (D) Town agencies.
- 26               (E) Township agencies.
- 27               (F) School corporations.
- 28               (G) Other local agencies.

29           ~~(5)~~ **(6)** The number of complaints received concerning each of  
30           the following:

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

33           ~~(6)~~ **(7)** The total number of written advisory opinions issued and  
34           pending.

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

38           SECTION 13. IC 9-26-10-2, AS AMENDED BY P.L.11-2019,  
39           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40           JULY 1, 2026]: Sec. 2. (a) As used in this section, "person" has the  
41           meaning set forth in ~~IC 5-14-3-2(n)~~. IC 5-14-3-2(o).

42           (b) Except as provided in subsections (c), (d), (e), and (f), all  
43           information contained in the emergency contact data base is  
44           confidential and exempt from:

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

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

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- 1 contact data base.
- 2 (d) A law enforcement officer may access information contained
- 3 in the emergency contact data base for the purpose of complying with
- 4 IC 9-26-2-5.
- 5 (e) A coroner may access information contained in the emergency
- 6 contact data base in the performance of the coroner's duties.
- 7 (f) Information contained in the emergency contact data base is
- 8 subject to disclosure to an appropriate person upon the bureau's receipt
- 9 of a:
- 10 (1) grand jury subpoena; or
- 11 (2) subpoena related to a criminal investigation.[]

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