

# HOUSE BILL No. 1274

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14-3.

**Synopsis:** Public records on the Internet. Provides that if a public agency that publishes a public record to an Internet site, the public agency must publish the public record in an open format. Requires a public agency that maintains an Internet site to publish catalogs of the public records published to the Internet site. Provides that the office of technology shall maintain an Internet site that aggregates the catalogs of public records that public agencies are required to publish to their respective Internet sites.

**Effective:** July 1, 2015.

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January 13, 2015, read first time and referred to Committee on Government and Regulatory Reform.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1274

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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.248-2013,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: 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) "Direct cost" means one hundred five percent (105%) of the sum



- 1 of the cost of:
- 2 (1) the initial development of a program, if any;
- 3 (2) the labor required to retrieve electronically stored data; and
- 4 (3) any medium used for electronic output;
- 5 for providing a duplicate of electronically stored data onto a disk, tape,
- 6 drum, or other medium of electronic data retrieval under section 8(g)
- 7 of this chapter, or for reprogramming a computer system under section
- 8 6(c) of this chapter.
- 9 (e) "Electronic map" means copyrighted data provided by a public
- 10 agency from an electronic geographic information system.
- 11 (f) "Enhanced access" means the inspection of a public record by a
- 12 person other than a governmental entity and that:
- 13 (1) is by means of an electronic device other than an electronic
- 14 device provided by a public agency in the office of the public
- 15 agency; or
- 16 (2) requires the compilation or creation of a list or report that does
- 17 not result in the permanent electronic storage of the information.
- 18 (g) "Facsimile machine" means a machine that electronically
- 19 transmits exact images through connection with a telephone network.
- 20 (h) "Inspect" includes the right to do the following:
- 21 (1) Manually transcribe and make notes, abstracts, or memoranda.
- 22 (2) In the case of tape recordings or other aural public records, to
- 23 listen and manually transcribe or duplicate, or make notes,
- 24 abstracts, or other memoranda from them.
- 25 (3) In the case of public records available:
- 26 (A) by enhanced access under section 3.5 of this chapter; or
- 27 (B) to a governmental entity under section 3(c)(2) of this
- 28 chapter;
- 29 to examine and copy the public records by use of an electronic
- 30 device.
- 31 (4) In the case of electronically stored data, to manually transcribe
- 32 and make notes, abstracts, or memoranda or to duplicate the data
- 33 onto a disk, tape, drum, or any other medium of electronic
- 34 storage.
- 35 (i) "Internet site" means:
- 36 (1) a related set of uniform resource identifiers reserved for
- 37 the use of a person or some division of a person; and
- 38 (2) the associated computing and information resources.
- 39 **The term includes, among other things, an Internet web site, an**
- 40 **Internet web service, and an Internet file transfer protocol site. An**
- 41 **Internet site may be part of another Internet site.**
- 42 (†) (j) "Investigatory record" means information compiled in the



1 course of the investigation of a crime.

2 ~~(j)~~ **(k)** "Offender" means a person confined in a penal institution as  
3 the result of the conviction for a crime.

4 **(l) "Open format" means an information format that is**  
5 **platform independent, machine readable, and made available to**  
6 **the public without restrictions that would impede the reuse of**  
7 **information instantiated in the format.**

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

9 ~~(l)~~ **(n)** "Person" means an individual, a corporation, a limited  
10 liability company, a partnership, an unincorporated association, or a  
11 governmental entity.

12 ~~(m)~~ **(o)** "Provider" has the meaning set out in IC 16-18-2-295(b) and  
13 includes employees of the state department of health or local boards of  
14 health who create patient records at the request of another provider or  
15 who are social workers and create records concerning the family  
16 background of children who may need assistance.

17 ~~(n)~~ **(p)** "Public agency", except as provided in section 2.1 of this  
18 chapter, means the following:

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

23 (2) Any:

24 (A) county, township, school corporation, city, or town, or any  
25 board, commission, department, division, bureau, committee,  
26 office, instrumentality, or authority of any county, township,  
27 school corporation, city, or town;

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

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

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

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

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

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

41 (5) Any advisory commission, committee, or body created by  
42 statute, ordinance, or executive order to advise the governing



- 1 body of a public agency, except medical staffs or the committees  
 2 of any such staff.
- 3 (6) Any law enforcement agency, which means an agency or a  
 4 department of any level of government that engages in the  
 5 investigation, apprehension, arrest, or prosecution of alleged  
 6 criminal offenders, such as the state police department, the police  
 7 or sheriff's department of a political subdivision, prosecuting  
 8 attorneys, members of the excise police division of the alcohol  
 9 and tobacco commission, conservation officers of the department  
 10 of natural resources, gaming agents of the Indiana gaming  
 11 commission, gaming control officers of the Indiana gaming  
 12 commission, and the security division of the state lottery  
 13 commission.
- 14 (7) Any license branch staffed by employees of the bureau of  
 15 motor vehicles commission under IC 9-16.
- 16 (8) The state lottery commission established by IC 4-30-3-1,  
 17 including any department, division, or office of the commission.
- 18 (9) The Indiana gaming commission established under IC 4-33,  
 19 including any department, division, or office of the commission.
- 20 (10) The Indiana horse racing commission established by IC 4-31,  
 21 including any department, division, or office of the commission.
- 22 ~~(p)~~ **(q)** "Public record" means any writing, paper, report, study, map,  
 23 photograph, book, card, tape recording, or other material that is  
 24 created, received, retained, maintained, or filed by or with a public  
 25 agency and which is generated on paper, paper substitutes,  
 26 photographic media, chemically based media, magnetic or machine  
 27 readable media, electronically stored data, or any other material,  
 28 regardless of form or characteristics.
- 29 ~~(p)~~ **(r)** "Standard-sized documents" includes all documents that can  
 30 be mechanically reproduced (without mechanical reduction) on paper  
 31 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight  
 32 and one-half (8 1/2) inches by fourteen (14) inches.
- 33 ~~(q)~~ **(s)** "Trade secret" has the meaning set forth in IC 24-2-3-2.
- 34 ~~(r)~~ **(t)** "Work product of an attorney" means information compiled  
 35 by an attorney in reasonable anticipation of litigation. The term  
 36 includes the attorney's:
- 37 (1) notes and statements taken during interviews of prospective  
 38 witnesses; and
- 39 (2) legal research or records, correspondence, reports, or  
 40 memoranda to the extent that each contains the attorney's  
 41 opinions, theories, or conclusions.
- 42 This definition does not restrict the application of any exception under



1 section 4 of this chapter.

2 SECTION 2. IC 5-14-3-11 IS ADDED TO THE INDIANA CODE  
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 4 1, 2015]: **Sec. 11. (a) Except as provided in subsection (c), this**  
 5 **section does not require a public agency to publish a public record**  
 6 **to an Internet site. However, the general assembly urges each**  
 7 **public agency to promote the values of open government by**  
 8 **making an earnest, ongoing effort to publish to the public agency's**  
 9 **Internet sites, without first being requested to do so, those public**  
 10 **records that:**

- 11 (1) the public agency possesses or otherwise controls; and  
 12 (2) any person would be allowed to inspect, if a person were  
 13 to submit a request to inspect the public records under section  
 14 3 of this chapter.

15 (b) If a public agency publishes a public record to an Internet  
 16 site, the public agency shall publish the public record in an open  
 17 format that can be retrieved, downloaded, indexed, and searched  
 18 by commonly used Internet search applications.

19 (c) Each public agency that maintains an Internet site shall  
 20 publish to the Internet site in one (1) or more open formats in  
 21 accordance with subsections (b) and (d):

- 22 (1) for each category of public records that the public agency  
 23 publishes to the Internet site in an open format in accordance  
 24 with subsection (b), a catalog of those public records; and  
 25 (2) a catalog of the catalogs published to the Internet site  
 26 under subdivision (1).

27 If a public agency does not publish any public records to the public  
 28 agency's Internet site in an open format in accordance with  
 29 subsection (b), the catalog described in subdivision (2) must  
 30 indicate this fact. A public agency that maintains an Internet site  
 31 shall keep, or generate on demand, accurate versions of the  
 32 catalogs required by this subsection.

33 (d) The oversight committee on public records established under  
 34 IC 5-15-5.1-18 shall prescribe:

- 35 (1) the set of open formats in which the catalogs required by  
 36 subsection (c) must be published;  
 37 (2) standard patterns of uniform resource identifiers for the  
 38 different open formats of the catalogs prescribed under  
 39 subdivision (1) that are designed to allow a human being or a  
 40 programmed machine to find the catalogs required by  
 41 subsection (c) in their various open formats at predictable  
 42 uniform resource identifiers within every Internet site



1 maintained by a public agency;

2 (3) the information that the catalogs required under  
3 subsection (c) must contain; and

4 (4) the information that the catalogs required under  
5 subsection (c) optionally may contain.

6 The oversight committee on public records may adopt rules under  
7 IC 4-22-2 to implement this subsection.

8 SECTION 3. IC 5-14-3-12 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2015]: Sec. 12. (a) As used in this section, "office of technology"  
11 refers to the office of technology established under IC 4-13.1-2-1.

12 (b) The purpose of this section is provide both human beings  
13 and programmed machines with convenient access to every public  
14 record that every public agency publishes to an Internet site in an  
15 open format in accordance with section 11(b) of this chapter.

16 (c) The office of technology shall maintain:

17 (1) an Internet web site similar to the federal government's  
18 open data Internet web site found at [www.data.gov](http://www.data.gov); and

19 (2) any other Internet sites using other Internet protocols that  
20 the office of technology determines to be appropriate;

21 that aggregates the catalogs of public records that public agencies  
22 are required to publish to their respective Internet sites under  
23 section 11(c) of this chapter.

24 (d) The office of technology is encouraged to embellish the  
25 Internet sites maintained by the office of technology under this  
26 section with features that further the purpose of this section.

