

## **House Enrolled Act (HEA) 1360 Statutory Additions**

### **IC 5-14-3-2 (d) Definition of Data Scraping**

(d) "Data scraping" means use of an automated system to extract data from websites and other Internet accessible sources.

### **IC 5-14-3-2 (p) Definition of Phishing**

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

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

### **IC 5-14-3-3.3 Electronic Portal**

Sec. 3.3. (a) A public agency may establish and maintain an electronic portal for submission of public records requests that:

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

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

- (1) The public agency suspects the request to be data scraping or phishing activity.
- (2) The public agency suspects that responding to the request electronically may:
  - (A) expose the public agency's electronic systems or data to unauthorized access or alteration; or

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

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

**IC 5-14-3-4 (e) Denial for Pending or Ongoing Litigation**

(e) A public agency may deny a request under this chapter for a record if the request:

(1) is made by a person that is a party to pending or ongoing litigation; and

(2) is duplicative of a discovery request made by the person in the pending or ongoing litigation.

**IC 5-14-3-8 Authority for Supplemental Fees for Out-of-State Requestors**

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

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

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

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

**IC 5-14-3-8.1 Priority in Filling Records Requests**

Sec. 8.1.(a) A public agency may give priority in fulfilling public records requests to:

(1) Indiana residents; and

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

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

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

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

**IC 5-14-3-11 Reporting to Office of Public Access Counselor**

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

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

**IC 5-14-3-12 Reservation of General Assembly Authority**

Sec. 12. Nothing in this chapter shall prevent the general assembly from establishing reasonable and narrowly tailored procedural safeguards to preserve the integrity and availability of public agency resources.

**IC 5-14-4-10 Duties of the Public Access Counselor**

(8) To coordinate with public agencies to:

- (A) track the volume and nature of public records requests received by public agencies; and
- (B) identify patterns or sources of excessive, automated, phishing related, or data scraping based public records requests.

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

**IC 5-14-4-12 Annual Report Summary Information**

(1) Summary information regarding:

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

...

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

*Minor changes such as re-lettering, re-numbering or minor additions relating back to these changes have not been included here. To read HEA 1360 in full with all changes bolded, please go to: <https://iga.in.gov/pdf-documents/124/2026/house/bills/HB1360/HB1360.05.ENRS.pdf>.*