

Code Cite Reference for Video Streaming of Public Meetings, including original code and additional cites within the Code in order of appearance

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Note: These code links and references are to the 2024 Indiana Code. You can check for updated code cites at <https://iga.in.gov/laws/2024/ic/titles/1> , then change the year to the current year, and enter the Title, Article, Chapter and Section numbers in the related “Code Search” boxes and clicking on “Go”.

IC 5-14-1.5-2.9 Duty of governing body to provide live transmission of meetings; applicability and exemptions; archived copies; recording of meetings; public access to transmission or recording; technological failures

Effective 7-1-2025.

Sec. 2.9. (a) This section does not apply to the following:

- (1) A meeting under section 6.1 of this chapter.
- (2) A state educational institution.
- (3) Subject to [IC 8-1-1-8.1](#), a hearing noticed under [IC 8-1-1-8](#), regarding which a stenographic record is required to be made and kept pursuant to [IC 8-1-2-65](#).

(b) This section applies only to the following:

- (1) A governing body of a state agency.
- (2) The following governing bodies of agencies that are not state agencies:
 - (A) The executive (as defined in [IC 36-1-2-5](#)), legislative body (as defined in [IC 36-1-2-9](#)), or fiscal body ([IC 36-1-2-6](#)) of a county, city, town, or township.
 - (B) A school board that has members who are elected.
 - (C) Any governing body that conducts the governing body's regular meetings in the same meeting room in which a governing body described in clause (A) or (B) conducts its regular meetings.

(c) Except as provided in subsection (e), a governing body shall provide on a publicly accessible platform of the public agency's choice, the following:

- (1) Live transmissions of the governing body's meetings.
- (2) Archived copies of the live transmissions described in subdivision (1). Each archived copy of a live transmission must provide access by links to the meeting's:
 - (A) agenda, if any;
 - (B) minutes, if any; and
 - (C) memoranda.

(d) A governing body shall include the website for live transmissions and archived copies of live transmissions in the meeting notice.

(e) If a governing body does not have Internet capability for live transmission of meetings, the governing body shall record the meeting and retain the recording as provided in subsection (f).

(f) The public agency is subject to the following:

- (1) The public agency shall make a copy of the transmission or recording available for public inspection and copying or downloading for at least ninety (90) days after the date of the meeting. The public agency shall, at the public agency's discretion, permit a person to inspect and copy or download the transmission or recording:
 - (A) without charge, from a publicly accessible platform of the public agency's choosing; or
 - (B) from the public agency's data storage system:
 - (i) upon a request submitted by the person under [IC 5-14-3-3](#); and
 - (ii) during the regular business hours of the public agency.The public agency may charge a fee under [IC 5-14-3-8](#) for providing a copy or downloaded copy under clause (B).

- (2) More than ninety (90) days after the date of the meeting, the public agency may destroy the transmission or recording.

(g) A technological failure that disrupts or prevents the governing body from live streaming, recording, archiving, or maintaining a copy of a live transmission or recording of a meeting does not:

- (1) prevent the governing body from conducting the meeting;
- (2) affect the validity of an action taken by the governing body at the meeting;
- (3) violate this chapter or any statute concerning the retention, preservation, or production of public records; or
- (4) subject any person to civil or criminal liability.

As added by P.L. 127-2023, SEC. 1. Amended by P.L. 68-2024, SEC. 1.

IC 5-14-1.5-6.1 Executive sessions

Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
 - (2) For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining, which does not include a discussion or meeting under [IC 20-29-6-7](#).
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.
 - (C) The implementation of security systems.
 - (D) A real property transaction including:
 - (i) a purchase;
 - (ii) a lease as lessor;
 - (iii) a lease as lessee;
 - (iv) a transfer;
 - (v) an exchange; or
 - (vi) a sale;by the governing body up to the time a contract or option is executed by the parties. This clause does not affect a political subdivision's duty to comply with any other statute that governs the conduct of the real property transaction, including [IC 36-1-10](#) or [IC 36-1-11](#).
 - (E) School consolidation.
- However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.
- (3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.
 - (4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:
 - (A) the Indiana economic development corporation;
 - (B) the office of tourism development (before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020);
 - (C) the Indiana finance authority;
 - (D) the ports of Indiana;
 - (E) an economic development commission;
 - (F) the Indiana state department of agriculture;
 - (G) the Indiana White River state park development commission;
 - (H) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
 - (I) a governing body of a political subdivision.

However, this subdivision does not apply to any discussions regarding research that is prohibited under [IC 16-34.5-1-2](#) or under any other law.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding [IC 5-14-3-4\(b\)\(12\)](#), a governing body may release and shall make available for inspection and copying in accordance with [IC 5-14-3-3](#) identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under [IC 25](#).

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(14) To train members of a board of aviation commissioners appointed under [IC 8-22-2](#) or members of an airport authority board appointed under [IC 8-22-3](#) with an outside consultant about the performance of the role of the members as public officials. A board may hold not more than one (1) executive session per calendar year under this subdivision.

(15) For discussion by the governing body of a state educational institution of:

(A) the assessment of; or

(B) negotiation with another entity concerning;

the establishment of a collaborative relationship or venture to advance the research, engagement, or education mission of the state educational institution. However, this subdivision does not apply to any discussions regarding research that is prohibited under [IC 16-34.5-1-2](#) or under any other law.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

As added by P.L. 1-1991, SEC.37 and P.L. 10-1991, SEC.8. Amended by P.L. 48-1991, SEC.1; P.L. 37-2000, SEC.1; P.L. 200-2003, SEC.2; P.L. 4-2005, SEC.28; P.L. 229-2005, SEC.2; P.L. 235-2005, SEC.84; P.L. 101-2006, SEC.3; P.L. 179-2007, SEC.5; P.L. 2-2008, SEC.20; P.L. 98-2008, SEC.3; P.L. 120-2008, SEC.1; P.L. 139-2011, SEC.1; P.L. 24-2012, SEC.1; P.L. 103-2013, SEC.2; P.L. 145-2016, SEC.2; P.L. 197-2017, SEC.2; P.L. 78-2019, SEC.2; P.L. 164-2019, SEC.1; P.L. 197-2021, SEC.1; P.L. 200-2023, SEC.1.

IC 8-1-1-8.1 Duty of commission to provide live transmission of certain proceedings; policy governing live transmission of commission proceedings

Sec. 8.1. (a) As used in this section, "commission proceeding" means a hearing for which notice is provided under section 8 of this chapter.

(b) The commission shall provide on a publicly accessible platform of the commission's choice a live transmission of any commission proceeding that will include:

- (1) an examination of witnesses;
- (2) a nonprocedural discussion between one (1) or more parties to the commission proceeding;
- (3) questions from one (1) or more of the commissioners regarding the substance of the case; or
- (4) a contested procedural matter.

(c) The commission shall issue a general administrative order to implement a policy that governs the live transmission of commission proceedings and that includes the following:

(1) For a commission proceeding that the commission determines is not subject to live transmission under subsection (b), a process by which members of the public may request the live transmission of the commission proceeding.

(2) For any commission proceeding for which the commission will provide a live transmission, whether under subsection (b) or upon a request made under subdivision (1), the following:

(A) A process by which members of the public may access the live transmission of the commission proceeding.

(B) A process for:

- (i) archiving the live transmission of the commission proceeding; and
- (ii) members of the public to access or request the archived live transmission of the commission proceeding.

As added by P.L.68-2024, SEC.2.

IC 8-1-1-8 Hearings; publication of notice

Sec. 8. (a) Notwithstanding any other statute relative to the publication of notice of hearings to be held by the utility regulatory commission, publication of notice of hearings to be held by the commission shall be made only in accordance with this chapter.

(b) Whenever the utility regulatory commission shall order a hearing in any proceeding instituted by or against any public utility, notice of the hearing shall be given by one (1) publication appearing not less than ten (10) days prior to the date fixed for the hearing in two (2) newspapers of general circulation published in one (1) county wherein reside patrons or customers of the public utility who might be affected by an order made by the commission pursuant to the hearing. If two (2) newspapers of general circulation are not published in the county, then one (1) publication appearing not less than ten (10) days prior to the date fixed for the hearing in one (1) newspaper of general circulation published in the county shall be sufficient. If no newspaper of general circulation is published in the county, then the commission shall cause notice of the hearing to be given by one (1) publication appearing not less than ten (10) days prior to the date fixed for the hearing in two (2) newspapers of general circulation published in a county adjoining the county wherein reside patrons or customers of the public utility who might be affected by the order.

(c) Whenever the department of state revenue orders a hearing in any proceeding instituted by or against a motor vehicle carrier, notice of such hearing shall be given by one (1) publication appearing not less than ten (10) days prior to the date fixed for such hearing in two (2) newspapers of general circulation published in the county where such motor vehicle carrier has its principal office or place of business. If two (2) newspapers of general circulation are not published in such county, then one (1) publication appearing not less than ten (10) days prior to the date fixed for such hearing in one (1) newspaper of general circulation published in such county shall be sufficient. If no newspaper of general circulation is published in the county, the department of state revenue shall cause notice of such hearing to be given by one (1) publication appearing not less than ten (10) days prior to the date fixed for such hearing in two (2) newspapers of general circulation published in a county adjoining the county where such motor vehicle carrier has its principal office or place of business. If the motor vehicle carrier has no office or place of business in Indiana, then such notice shall be given by one (1) publication appearing not less than ten (10) days prior to the date fixed for the hearing in two (2) newspapers of general circulation published in Marion County.

(d) In addition to the published notice, the commission shall mail notice of the hearing and notice of the filing of applications or proceedings to persons, firms, limited liability companies, or corporations having competitive interests involved and to the representatives of any city or town affected by the hearing, application, or proceeding. Failure to mail the notices shall not be deemed to be jurisdictional, but may be ground for rehearing.

Formerly: Acts 1941, c. 101, s.8; Acts 1943, c.244, s.1. As amended by P.L.59-1984, SEC.3; P.L.384-1987(ss), SEC.1; P.L.99-1989, SEC.2; P.L.8-1993, SEC.104.

IC 8-1-2-65 Record of investigations

Sec. 65. A record shall be kept of all proceedings had before the commission or its agent or any formal investigation had and all testimony shall be taken down by the stenographer appointed by the commission.

Formerly: Acts 1913, c. 76, s. 68.

IC 36-1-2-5 "Executive"

Sec. 5. "Executive" means the following:

- (1) The board of commissioners, for a county that does not have a consolidated city.
- (2) The mayor of the consolidated city, for a county having a consolidated city.
- (3) The mayor, for a city.
- (4) The president of the town council, for a town.
- (5) The trustee, for a township.
- (6) The superintendent, for a school corporation.
- (7) The chief executive officer, for any other political subdivision.

[Pre-Local Government Recodification Citation: 18-5-1.5-2(c).]

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.8-1989, SEC.93; P.L.77-2014, SEC.9; P.L.278-2019, SEC.178.

IC 36-1-2-9 "Legislative body"

Sec. 9. "Legislative body" means the following:

- (1) The board of county commissioners, for a county not subject to [IC 36-2-3.5](#) or [IC 36-3-1](#).
- (2) The county council, for a county subject to [IC 36-2-3.5](#).
- (3) The city-county council, for a consolidated city or county having a consolidated city.
- (4) The common council, for a city other than a consolidated city.
- (5) The town council, for a town.
- (6) The township board, for a township.
- (7) The governing body of any other political subdivision that has a governing body.
- (8) The chief executive officer of any other political subdivision that does not have a governing body.

[Pre-Local Government Recodification Citation: 18-5-1.5-2(b).]

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1982, P.L.33, SEC.15; P.L.213-1986, SEC.1; P.L.8-1987, SEC.82; P.L.8-1989, SEC.95; P.L.186-2006, SEC.3; P.L.77-2014, SEC.10; P.L.278-2019, SEC.179; P.L.22-2021, SEC.2.

IC 36-1-2-6 "Fiscal body"

Sec. 6. "Fiscal body" means:

- (1) county council, for a county not having a consolidated city;
- (2) city-county council, for a consolidated city or county having a consolidated city;
- (3) common council, for a city other than a consolidated city;
- (4) town council, for a town;
- (5) township board, for a township;
- (6) governing body or budget approval body, for any other political subdivision that has a governing body or budget approval body; or
- (7) chief executive officer of any other political subdivision that does not have a governing body or budget approval body.

[Local Government Recodification Citation: New.]

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.11, SEC.132; P.L.8-1987, SEC.81; P.L.8-1989, SEC.94; P.L.186-2006, SEC.2.

IC 5-14-3-3 Right to inspect and copy public agency records or recordings; electronic data storage; use of information for commercial purposes; contracts

Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
 - (2) be, at the discretion of the agency, in writing on or in a form provided by the agency.
- No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute. If a request is for inspection or copying of a law enforcement recording, the request must provide the information required under subsection (i).

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). If the public agency does not deny the request, within a reasonable time after the request is received by the agency the public agency shall either:

- (1) provide the requested copies to the person making the request; or
- (2) allow the person to make copies:
 - (A) on the agency's equipment; or
 - (B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

- (1) In accordance with a contract described in section 3.5 of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.
- (2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e) and subject to subsection (j), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under [IC 4-22-2](#), and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account

addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses), it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;

(B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or

(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

(1) for the storage or copying of public records; or

(2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute; if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with [IC 3-7](#), the provisions of [IC 3-7](#) apply.

(i) A request to inspect or copy a law enforcement recording must be in writing. A request identifies a law enforcement recording with reasonable particularity as required by this section only if the request provides the following information regarding the law enforcement activity depicted in the recording:

(1) The date and approximate time of the law enforcement activity.

(2) The specific location where the law enforcement activity occurred.

(3) The name of at least one (1) individual, other than a law enforcement officer, who was directly involved in the law enforcement activity.

(j) This subsection applies to a public record that is in an electronic format. This subsection does not apply to a public record recorded in the office of the county recorder. A public agency shall provide an electronic copy or a paper copy of a public record, at the option of the person making the request for the public record. This subsection does not require a public agency to change the format of a public record.

As added by P.L. 19-1983, SEC.6. Amended by P.L. 54-1985, SEC.2; P.L. 51-1986, SEC.1; P.L. 58-1993, SEC.2; P.L. 77-1995, SEC.3; P.L. 173-2003, SEC.4 and P.L. 261-2003, SEC.6; P.L. 22-2006, SEC.1; P.L. 1-2007, SEC.29; P.L. 2-2007, SEC.100; P.L. 134-2012, SEC.17; P.L. 58-2016, SEC.2; P.L. 171-2018, SEC.2; P.L. 64-2023, SEC.2.

IC 5-14-3-8 Fees; copies

Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in [IC 4-13-1-1](#).

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

(1) To inspect a public record.

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

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

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

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

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

(C) [IC 36-2-7-10](#) or [IC 36-2-7-10.1](#) concerning records of the county recorder.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

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

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

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

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

(e) If:

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

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

the public agency must provide at least one (1) copy of the public record to the person.

However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and

manually transcribe the record. A public agency may require that the payment for search and copying costs be made in advance.

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

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

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

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

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

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

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

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

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

(1) Public agency program support.

(2) Nonprofit activities.

(3) Journalism.

(4) Academic research.

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

(1) retained by the public agency; and

(2) used without appropriation for one (1) or more of the following purposes:

(A) To purchase cameras and other equipment for use in connection with the agency's law enforcement recording program.

(B) For training concerning law enforcement recording.

(C) To defray the expenses of storing, producing, and copying law enforcement recordings. Money from a fee described in this subsection does not revert to the local general fund at the end of a fiscal year.

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

(1) the hourly rate of the person making the search; or

(2) twenty dollars (\$20) per hour.

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

As added by P.L. 19-1983, SEC.6. Amended by P.L.54-1985, SEC.6; P.L.51-1986, SEC.2; P.L.58-1993, SEC.7; P.L.78-1995, SEC.1; P.L.151-1999, SEC.1; P.L.89-2001, SEC.1; P.L.215-2007, SEC.1; P.L.16-2008, SEC.1; P.L.58-2016, SEC.7; P.L.171-2018, SEC.3; P.L.287-2019, SEC.1.