

## MEMORANDUM

To: Indiana Schools

From: Marsha Bugalla, General Counsel

Date: May 31, 2019

Re: House Enrolled Act 1629 - Public Records (1 of 3)

### **Background:**

This legislation was enacted to enhance the public's access to inspect, review, and copy public records held by school corporations and charter schools. The ability to impose fees for records requested under the Access to Public Records Act is limited to copying and electronic searches that exceed five hours.

### **Guidance:**

This legislation establishes the limited instances when school corporations and charter schools may charge a fee for public records requests. A school corporation or charter school cannot charge an individual to inspect a public record as defined in IC 5-14-3-2. (See IC 5-14-3-8). Additionally, a charge may not be imposed upon a requester for a records search or examination of records, or the deliberation of records disclosure. (See IC 5-14-3-8(b)(4)). However, when a search of records in electronic format exceeds five hours, a school corporation or charter school may charge a search fee.

Fees for records searched in an electronic format may only be imposed for the time actually expended on the search. A minimum fee for searching for records in electronic format and computer processing time as described in IC 5-14-3-8 (b)(4)(m) may not be established. In addition, a search fee that exceeds either the hourly rate of the person conducting the search or \$20 per hour is not permitted under the law. School corporations and charter schools should make a good faith effort to minimize the amount of time to complete a search for records in electronic format to minimize the amount of search fees. (See IC 5-14-3-8(4)(m)(2)). A copying fee for records in electronic format cannot exceed \$0.10 per page for copies that are not in color or \$0.25 for color copies. (See IC 5-14-3-8(b)(4)).

If you have any questions, please contact Leslie-Ann James at 317-232-6647 or e-mail at [ljames@doe.in.gov](mailto:ljames@doe.in.gov).

This bill was authored by Representative Bob Behning and full bill text can be found [here](#). Information regarding how to contact your legislators can be found [here](#).