

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1256

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AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-6-2-4, AS AMENDED BY P.L.215-2016, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. It shall be the duty of the attorney general to keep a record of all opinions given by the attorney general to the governor, the general assembly, or to any of the state officers, and an accurate account of all money collected or received by the attorney general, ~~in substantially bound books~~, and to pay over to the proper officer all money collected at the end of each month; and the attorney general shall also keep a record of all criminal cases pending in the Supreme Court, and of all civil cases in which it is the attorney general's duty to appear. **The records and opinions under this section may be retained and published in electronic format.**

SECTION 2. IC 5-15-5.1-1, AS AMENDED BY P.L.171-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Administration" means the Indiana archives and records administration created by this chapter.

(c) "Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state



government established by the Constitution of the State of Indiana, by law, or by executive or legislative order.

(d) "Critical records" means records necessary to:

- (1) resume or continue governmental operations;
- (2) ~~the reestablishing of~~ **reestablish** the legal and financial responsibilities of government in Indiana; or
- (3) protect and fulfill governmental obligations to the citizens of Indiana.

(e) "Form" means ~~every piece of paper, electronic content, transparent plate, or film containing information, printed, generated, or reproduced by whatever means,~~ **a document** with blank spaces left for the entry of additional information to be used in any transaction involving the state.

(f) "Forms management" means the program maintained by the administration to provide continuity of forms ~~design procedures from the form's origin up to its completion as a record by determining the:~~

- (1) form's size, style, and size of type;
- (2) format;
- (3) type of construction;
- (4) number of plies;
- (5) quality, weight, and type of paper and carbon; and
- (6) use of the form for data entry as well as the distribution **across agencies by providing standards for consistent form design, numbering, and access.**

(g) "Imaging" means the process by which a record is converted from physical form to a computer readable digital image file.

(h) "Indiana state archives" means the program maintained by the administration for the preservation of ~~those records and other government papers~~ **records** that have been determined by the administration to have sufficient permanent values to warrant their continued preservation by the state.

(i) "Information management" means the program maintained by the administration for the application of management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping, including management of filing, microfilming, and imaging equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, electronic content management systems, and critical records protection.

(j) "Local government" means a political subdivision (as defined in



IC 36-1-2-13).

(k) "Microfilm" means a photographic film containing an image greatly reduced in size from the original.

(l) "Nonrecord materials" means: ~~all identical copies of forms, records, reference books, and exhibit materials that are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and that are not included within the definition of record.~~

**(1) record duplicates, regardless of format; or**

**(2) externally created publications, advertising, and reference material that are used by an agency or local government and that do not document the agency's or local government's activities.**

(m) "Personal records" means:

(1) all documentary materials of a private or nonpublic character that do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal that are not prepared or used for, or circulated or communicated in the course of, transacting government business; or

(2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not considered public records.

(n) "Public official" means:

(1) an individual holding an office created by the Constitution of the State of Indiana, by act or resolution of the general assembly, or by the governor;

(2) all officers of the executive and administrative branch of state or local government; and

(3) all other officers, heads, presidents, or chairpersons of agencies of state or local government.

(o) "Record" means all documentation of the informational, communicative, or decision making processes of state and local government, its agencies and subdivisions made or received by any agency of state and local government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or local government or its successors as evidence of its activities or because of the informational value of the data in the documentation, ~~and which is generated on:~~

~~(+) paper or paper substitutes;~~



- (2) ~~photographic or chemically based media;~~
- (3) ~~magnetic, electronic, or machine readable media; or~~
- (4) ~~any other materials, regardless of form or characteristics;~~  
**regardless of the format in which it is generated or the media on which it is stored.**

(p) "Records center" means a program maintained by the administration primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

(q) "Records coordinator" means a person designated by an agency to **coordinate the creation and revision of agency records retention schedules, educate agency staff on records management processes, and serve as an information liaison** ~~person~~ between the agency and the administration.

(r) "Records series" means **a category of documents or records that are filed in a unified arrangement and having similar physical characteristics** ~~or relating to a similar function or activity.~~

(s) "Retention schedule" means a set of instructions prescribing how long, where, and in what form a ~~records series~~ **record** must be kept.

SECTION 3. IC 5-15-5.1-4, AS AMENDED BY P.L.171-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) The governor shall appoint a director as the executive head of the administration. The director must be versed in the principles of information ~~and forms~~ management, archives, and the affairs and organization of state government. It is the intent of the general assembly that the director be a person who is qualified by training and experience to administer the affairs of the administration.

(b) The director, subject to the approval of the governor and the budget agency, shall appoint such staff as necessary to implement this chapter.

(c) The salary of the director is subject to the approval of the governor and the budget agency. Salaries of the staff are subject to the approval of the state personnel department and the budget agency. The provisions of IC 4-15-2.2 apply to the staff of the administration.

SECTION 4. IC 5-15-5.1-5, AS AMENDED BY P.L.171-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Subject to approval by the oversight committee on public records created by section 18 of this chapter, the administration shall do the following:

- (1) Establish a forms management program for state ~~government~~ and ~~approve the design, typography, format, logo, data sequence;~~



form analysis; form number; and agency file specifications of each form: **forms.**

(2) Establish a central state form numbering system and **maintain** a central cross index filing system of all state forms. ~~and standardize; consolidate; and eliminate; wherever possible; forms used by state government.~~

(3) ~~Approve; provide; and may; in the manner prescribed by IC 5-22; purchase photo-ready copy for all forms.~~

(4) **(3)** Establish a statewide records management program, prescribing the standards and procedures for: ~~record making and record keeping.~~

**(A) retention and preservation of agency records; and**

**(B) records management training for agencies and local government.**

However, the investigative and criminal history records of the state police department are exempted from this requirement.

(5) ~~Coordinate utilization of all micrographics and imaging equipment in state government.~~

(6) ~~Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.~~

(7) ~~Advise the Indiana department of administration with respect to the purchase of all records storage equipment.~~

(8) ~~Establish and operate a distribution center for the receipt; storage; and distribution of all material printed for an agency.~~

(9) **(4)** Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state and local governments, provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.

(10) **(5)** Establish and operate a statewide ~~record~~ **records** preservation laboratory.

(11) **(6)** Prepare, develop, and implement ~~record~~ **records** retention schedules.

(12) **(7)** Establish and operate a central records center to be called the Indiana state records center, which shall accept all records approved for transfer to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

(13) **(8)** Demand from any person, organization, or body who has illegal possession of original state or local government records



those records, which shall be delivered to the administration.

~~(14)~~ **(9)** Have the authority to examine all forms and records housed or possessed by state agencies and local governments for the purpose of fulfilling the provisions of this chapter.

~~(15)~~ **(10)** In coordination with the office of technology established by IC 4-13.1-2-1, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of state agencies and local government.

~~(16)~~ **(11)** Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives, patrons of the state imaging and microfilm laboratory, and state agencies. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

~~(17)~~ **(12)** Advise the office of technology established by IC 4-13.1-2-1 with respect to records management and archival principles as applicable to the purchase of all electronic content and information management systems.

~~(b)~~ In implementing a forms management program, the administration shall follow procedures and forms prescribed by the federal government.

~~(c)~~ **(b)** Fees collected under subsection ~~(a)(16)~~ **(a)(11)** shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 5. IC 5-15-5.1-5.3, AS AMENDED BY P.L.171-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.3. (a) The state archives preservation and reproduction account (referred to in this section as "the account") is established as an account within the state general fund. The account shall be administered by the administration. The money in the account does not revert to any other account within the state general fund at the end of a state fiscal year.

(b) The account consists of fees collected under section ~~5(a)(16)~~ **5(a)(11)** of this chapter.

(c) Money in the account is annually appropriated to the administration for use in the preservation and reproduction of public records by the administration.

SECTION 6. IC 5-15-5.1-6, AS AMENDED BY P.L.171-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. The administration shall **do the following**:

**(1) Establish standards for the:** ~~design, redesign, number, standardize, consolidate, or eliminate~~

**(A) design;**



- (B) redesign;**
- (C) numbering;**
- (D) standardization;**
- (E) consolidation; or**
- (F) when obsolete, elimination;**

of all forms used by state government.

- (2)** Apply the definition of record to any governmental materials so questioned, and determine the nature of nonrecord materials housed or maintained by an agency or local government.

In performing these functions, the administration shall consult with each affected agency and local government and shall consider each agency's and local government's statutory responsibilities, its relationships with federal or other governmental agencies and the requirements of state law.

SECTION 7. IC 5-15-5.1-10, AS AMENDED BY P.L.171-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) Each agency and local government shall:

- (1) Make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and local government to protect the legal and financial rights of the government and of persons directly affected by the agency's activities and the local government's activities.
- (2) Cooperate fully with the administration in implementing the provisions of this chapter.
- (3) Establish and maintain an active and continuing program for the economical and efficient management of information and assist the administration in the conduct of information management surveys.
- (4) Implement information management procedures and regulations issued by the administration.
- (5) Establish necessary safeguards against the removal, alteration, or loss of records; safeguards shall include notification to all officials and employees of the agency or local government that records in the custody of the agency or local government may not be alienated or destroyed except in accordance with:
  - (A) the provisions of this chapter; and
  - (B) if applicable, an order of the county commission of public records under IC 5-15-6.

(b) Each agency shall do the following:

- (1) Submit to the administration a recommended retention schedule for each ~~form and~~ records series in the agency's custody.



However, retention schedules for ~~forms and~~ records series that are common to at least two (2) agencies may be established by the oversight committee. Records may not be scheduled for retention any longer than is **relevant and** necessary to ~~perform required functions:~~ **accomplish a statutory purpose of the agency.** Records requiring retention for several years must be transferred to the records center.

**(2) Follow the standards developed by the administration in creating and revising state forms.**

~~(2)~~ **(3)** Designate an agency ~~information forms~~ coordinator who shall: ~~assist the administration in the content requirements of the form design process and in the development of the agency's records retention schedules:~~

**(A) manage the creation and revision of state forms belonging to the agency;**

**(B) ensure that the forms created by the agency meet the standards established by the administration;**

**(C) submit the agency form to the administration for the administration's review and approval; and**

**(D) serve as a liaison between the agency and the administration for the review and approval of the state forms.**

**(4) Designate an agency records coordinator who shall:**

**(A) coordinate the creation and revision of agency records retention schedules;**

**(B) educate agency staff on records management processes; and**

**(C) serve as a liaison between the agency and the administration.**

SECTION 8. IC 5-15-5.1-14, AS AMENDED BY P.L.171-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. A public official or agency may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a ~~record~~ **records** retention schedule or with the written consent of the administration.

SECTION 9. IC 5-15-5.1-17, AS AMENDED BY P.L.171-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) A state or local government official may turn over to the administration, in accordance with **existing records retention schedules or a written agreement consistent with** the rules of the administration for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books





or materials not in current use in the official's office.

(b) Subject to subsection (c), the administration may make a copy by ~~photography or in any other way~~, of any official book, record, document, original paper, newspaper, or printed book or material of any local government office for preservation in the state archives. Local government officials shall permit such copies to be made of the books, records, documents, and papers in their respective offices.

(c) The administration shall copy the official copy of the rules (including incorporated matters filed under IC 4-22-2-21) published under IC 4-22-2. Any duplicate original copy possessed by another agency is not a critical record and may not be copied. If the publisher prepares micrographic copies of these documents and the copies are in a form that meets the specifications of the administration, the administration shall arrange with the publisher to obtain the number of copies needed by the administration, rather than copying the documents as part of a separate program.

SECTION 10. IC 5-15-5.1-19, AS AMENDED BY P.L.171-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19. (a) It is the duty of the oversight committee to:

- (1) function as the policy making body for the administration; and
- (2) determine what records have no apparent official value but should be preserved for research or other purposes.

~~(b) The oversight committee shall maintain a master list of all record series that are classified as confidential by statute or rule.~~

~~(e)~~ **(b)** The oversight committee has final approval of all ~~record records~~ retention schedules.

~~(d)~~ **(c)** The oversight committee has final approval of a fee schedule established by the administration under section ~~5(a)(16)~~ **5(a)(11)** of this chapter.

SECTION 11. IC 5-15-5.1-20, AS AMENDED BY P.L.171-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. (a) The oversight committee shall

- ~~(1) establish standards for safeguarding personal information systems that shall be followed by agencies maintaining such systems;~~
- ~~(2) approve the content of all forms that involve confidential records; and~~
- ~~(3) require use of archival materials, processes, and standards for records that the administration determines should be preserved indefinitely.~~

(b) The oversight committee may adopt rules under IC 4-22-2 necessary for the performance of its duties, consistent with this chapter



and other applicable Indiana laws.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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