

**LEGISLATIVE COUNCIL RESOLUTION 17-04**  
(Adopted May 25, 2017)

*Whereas, The Legislative Council values transparency for its value to the public;*

*Whereas, Accurate data is the foundation of well-drafted legislation;*

*Whereas, Appropriate sharing of information and data allows the State of Indiana to achieve efficiencies in the administration of state programs and to address the health and safety of Hoosiers;*

*Whereas, Government services are better performed when data is available to those who wish utilize it for the public good;*

*Whereas, The State of Indiana has a track record as a state of appropriately handling and disclosing government information between the executive and legislative branches; and*

*Whereas, For purposes of this Resolution, the definitions in IC 2-5-1.7 apply: Therefore,*

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

**POLICIES GOVERNING DATA SHARING UNDER IC 2-5-1.7**

SECTION 1. For purposes of information requests made under IC 2-5-1.7 "government information" does not include the following:

- (1) Documents subject to attorney-client privilege.
- (2) Any matter protected by executive privilege similar to the qualified gubernatorial-communications privilege enunciated in *State ex rel. Dann v. Taft*, 848 N.E.2d 472 (2006). This provision only extends to the portions of a document covered by executive privilege.
- (3) E-mails, other than e-mails which contain a final or current statement of, or implementation of, a policy or procedure. Nothing in this provision may be construed to limit discovery of documents to less than what is available under the Access to Open Records Act.
- (4) Confidential criminal investigative records.
- (5) Confidential administrative investigative records, except to the extent that access by LSA to these records is necessary to carry out the responsibilities of the Auditing and Financial Reporting Subcommittee of the Legislative Council.
- (6) Confidential advisory opinions requested or given by the Inspector General or the Attorney General.
- (7) Materials prepared for an executive session and not used for any other purpose.
- (8) Records relating to negotiations between the Indiana Economic Development

Corporation and industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, the terms of the final offer and any related final agreement shall be available for inspection and copying after negotiations with that prospect have terminated.

SECTION 2. The Legislative Services Agency (LSA) shall only make reasonable requests of any government entity for the production of government information and that requests shall not be made for a prohibited purpose.

SECTION 3. Upon request of LSA or a governmental entity and upon an articulable basis, the parties shall enter into a memorandum of understanding (MOU) for the sharing of government information which must include the items listed in IC 2-5-1.7-14(1) through IC 2-5-1.7-14(9). If such MOU is not executed within ten (10) calendar days of the request, despite good faith efforts by LSA, then information not otherwise excluded under the definition of government information set forth in IC 2-5-1.7-3 or this Legislative Council Resolution shall be disclosed to LSA without the MOU.

SECTION 4. Issues and conflicts that may arise under this Legislative Council Resolution must be brought to the attention of members of the Personnel Subcommittee of the Legislative Council, or their staff, for resolution.

SECTION 5. In the event of any changes to this Resolution, the Governor's Office will be notified. Posting of a public meeting in the normal course on [www.iga.in.gov](http://www.iga.in.gov) will satisfy this requirement.