

ARTICLE 1.1. GENERAL PROVISIONS

Rule 1. Definitions; Collection of Religious Information; Lists

60 IAC 1.1-1-1 Definitions

Authority: IC 5-15-5.1-20

Affected: IC 4-1-6-1; IC 5-15-5.1-1

Sec. 1. As used in this rule [60 IAC 1.1], unless the context clearly requires another meaning, the following terms have the meanings set forth in this section.

(A) "Agency" means a "state agency" as defined in IC 4-1-6-1.

(B) "Oversight committee" means the oversight committee on public records.

(C) "Preparation" means any method of generation, including photo-reproduction or transcription of media for automatic data processing. (*Oversight Committee on Public Records; 60 IAC 1.1-1-1; filed Aug 1, 1980, 9:15 am: 3 IR 1479; filed Nov 4, 1983, 9:41 am: 7 IR 23; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268; readopted filed Nov 26, 2008, 1:50 p.m.: 20081217-IR-060080823RFA*)

60 IAC 1.1-1-2 Religious information on individuals

Authority: IC 5-15-5.1-20

Affected: IC 5-15-5.1

Sec. 2. Collection of religious information about specific individuals is authorized under the following circumstances where religious information:

(A) Is voluntarily given and is needed to provide specialized individual services, such as special diets in state institutions, rehabilitative programs, or selective provisions of reading materials;

(B) Is voluntarily given and is incidental to the collection or other documentation in programs specifically mandated to preserve the historical, cultural or other heritages of the state; or

(C) Is needed to carry out responsibilities of the state for affirmative action or civil rights.

In each instance where a state agency wishes to collect religious information, the agency shall submit to the Oversight Committee a request for such collection. The request shall specify what kind of information is to be obtained, from whom, the specific uses of such information, whether or not such information will appear in any unrestricted record, whether or not the purpose for which collection is requested could be accomplished without the collection, and which provision of this section justifies the collection. The Oversight Committee shall consider each request separately, and shall maintain a list of the agencies and record series in which religious information may appear. No agency shall use religious information for any purpose other than that set forth in an approved request without making an additional request to the Oversight Committee. (*Oversight Committee on Public Records; 60 IAC 1.1-1-2; filed Aug 1, 1980, 9:15 am: 3 IR 1479; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268; readopted filed Nov 26, 2008, 1:50 p.m.: 20081217-IR-060080823RFA*)

60 IAC 1.1-1-3 Disclosure of names and addresses for solicitation purposes

Authority: IC 5-15-5.1-20

Affected: IC 4-1-6-2; IC 5-15-5.1-10

Sec. 3. The Oversight Committee will consider requests from agencies for authority to prepare lists of names and addresses for commercial or charitable solicitations only under extraordinary circumstances. In such cases the following conditions must be met:

(A) The agency must make a separate request to the Oversight Committee each time the agency wishes to prepare a list.

(B) The agency in its request for authority must:

(1) specify the type of personal information that will appear in the list;

(2) certify that no confidential or restricted information is included with the names and addresses;

(3) specify how the expected use of the list will result in a direct benefit to the citizens of Indiana that cannot otherwise be provided; and

(4) describe the means to allow any person included in a list to have information about him/her deleted from any subsequent list prepared for commercial or charitable solicitation and to notify such persons of their right to be removed upon request.

GENERAL PROVISIONS

(C) The agency must require persons who obtain and use the list to pay the cost of preparation, including any associated costs of notifying data subjects of their right to be deleted from a list upon request.

(D) The agency must require persons who request the list to agree to use the list only for the specific purposes that the Oversight Committee authorizes and must notify recipients of the list that unauthorized use will cause denial of future requests.

If satisfied that the requirements of this section are met, the Oversight Committee may authorize by motion the preparation of the list of names and addresses. (*Oversight Committee on Public Records; 60 IAC 1.1-1-3; filed Aug 1, 1980, 9:15 am: 3 IR 1480; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268; readopted filed Nov 26, 2008, 1:50 p.m.: 20081217-IR-060080823RFA*)

Rule 2. Restricted Information (Repealed)

(*Repealed by Oversight Committee on Public Records; filed Nov 4, 1983, 9:41 am: 7 IR 23*)

*