

GENERAL ORDINANCE NO. 6, 2023

**AN ORDINANCE TO PROHIBIT THE USE OF PUBLIC RECORDS FOR
COMMERCIAL PURPOSES**

WHEREAS, Ind. Code § 5-14-3, the Access to Public Records Act provides that a person has the right to access information regarding the government and the official acts of public officials and employees, and that government officials have a responsibility to provide that information;

WHEREAS, the City of Wabash ("the City") makes every effort to comply with the Indiana Access to Public Records Act;

WHEREAS, the City receives requests for public records from individuals and entities that use or intend to use public records from the City's archived storage systems for commercial purposes;

WHEREAS, in order to respond to a request for public records, contained in the City's archived storage systems, to be used for commercial purposes, the City commits considerable, time, resources, and taxpayer money;

WHEREAS, Ind. Code § 5-14-3(e) specifically permits the City to prohibit the use of public records requested under Ind. Code § 5-14-3 for commercial purposes;

WHEREAS, pursuant to Ind. Code § 5-14-3-3 "commercial purpose" includes: "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 person for these purposes;" and

WHEREAS, the provision of public records for commercial purposes is not an essential function of a representative government, and such provision unnecessarily exhausts public resources for the benefit of for-profit businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA, THAT:

Section 1. Chapter 4, Article 2, Division 1, Section 4-9 be amended to add the following new subsection, to-wit:

e. Any Individual or entity receiving public records or information, pursuant to a request made under Indiana Code § 5-14-3-3(d), shall not use the records or information for commercial purposes. This prohibition does not apply to the use of such records in connection with the preparation or publication of news, for nonprofit activities, or for academic purposes. When making a request for public records or information pursuant to a request made under the requester may be asked to complete an application form that includes a statement that reads substantially as follows, to-wit: "I affirm, under the penalties for perjury, that the requested material will not be used for commercial purposes as defined by Indiana Code § 5-14-3-3."

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Passed by the Common Council of the City of Wabash, Indiana, this ____ day of _____, 2023.

By: _____
David W. Monroe, President of the Common Council

PRESENTED BY ME THE MAYOR OF THE CITY OF WABASH ON THE ____ DAY OF AUGUST 2023 AT
THE HOUR OF 6:00 O'CLOCK P.M.

Scott A. Long, Mayor

ATTEST:

Wendy Frazier, Clerk-Treasurer