

ORDINANCE NO. 28-2025
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 Town of Danville ("the town") makes every effort to comply with the Indiana Access to Public Records Act;

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

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

WHEREAS, Ind. Code § 5-14-3(e) specifically permits the Town 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, 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 profit businesses.

NOW, HEREOF, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT:

Section 1. Any individual or entity receiving public records or information, pursuant to a request made under Ind. 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 research.

Section 2. When the Town reasonably believes the intent of the requester of public records is to use those records for commercial purposes, the Town may refuse the request.

Section 3. This Ordinance shall be in full force and effect from and after its passage approval and publication according to law.

PASSED AND ADOPTED by the Town Council of the Town of Danville, Indiana,
on this _____ day of _____ 2025

TOWN OF DANVILLE COUNCIL

Dave Potter

ATTEST:

Carrie E. Lofton
Town of Danville
Clerk/Treasurer

Michael Chatham

Chris Gearld

Bret Doub

Greg Irby