

ORDINANCE 2026-25

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

SUMMARY

This ordinance proposes to prohibit the use of public records for commercial purposes.

_____ Recorder's Office

_____ Auditor's Office

_____ ☒ Clerk's Office

_____ Other

_____ Publish Public Hearing

_____ Publish O/R after adoption

ORDINANCE 2026-25

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

WHEREAS, Ind. Code § 5-14-3, (the “Access to Public Records Act” or “APRA”) 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 Auburn (“City”) makes every effort to comply with APRA;

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

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

WHEREAS, “commercial purpose” has its meaning set forth in Ind. Code § 5-14-3-3(e) and includes “to sell, advertise, solicit the purchase of merchandise, goods, or services, or sell, loan, give away or otherwise deliver the information obtained by the request to any other person for these purposes”; and

WHEREAS, the provision of public records for commercial purposes is not an essential function of the City, and such provision unnecessarily exhausts public resources.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF AUBURN, 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, 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 City reasonably believes the intent of the requester of public records is to use those records for commercial purposes, the City may refuse such request.

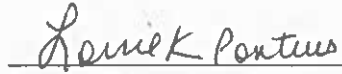
Section 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this

1st day of September, 2026.


James Finchum, Councilmember

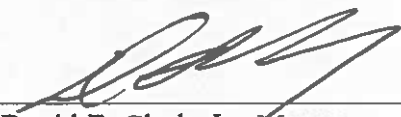
ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 1st day of
September, 2026.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 1st day of September, 2026.


David E. Clark, Jr., Mayor

VOTING:

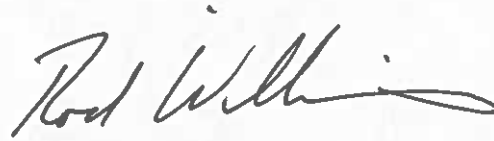
AYE

NAY

Natalie DeWitt



Rod Williams



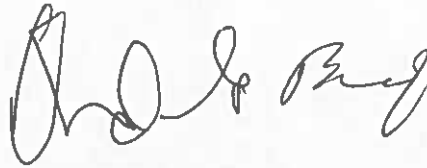
James Finchum



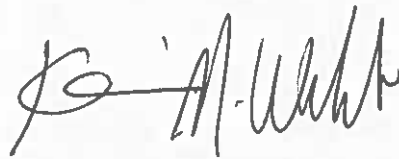
Dan Braun



David Bundy



Kevin Webb



Emily Prosser

