

ORDINANCE NO. 2025-20
AN ORDINANCE OF THE HUNTINGTON COUNTY BOARD OF
COMMISSIONERS ESTABLISHING A POLICY FOR NON-DISCLOSURE OF PUBLIC
RECORDS FOR COMMERCIAL PURPOSES PURSUANT TO I.C. § 5-14-3.

WHEREAS, Indiana Code § 36-1-3 *et seq.* grants a county the authority to exercise any powers for the effective operation of government as to local affairs;

WHEREAS, Indiana's Access to Public Records Act established under Indiana Code § 5-14-3 *et seq.* (the "APRA") requires government agencies to provide complete and accurate information about government affairs and the official actions of public officials and employees;

WHEREAS, Huntington County, Indiana (the "County"), recognizes the importance of transparency and public access to records in maintaining an open and accountable government;

WHEREAS, the County also recognizes that its resources are limited and the APRA gives discretion to the County to determine in certain cases the limits to the type of information that may be disclosed and specifically permits the County to create an ordinance limiting the disclosure of information to persons or entities who seek information for commercial purpose;

WHEREAS, the County desires to ensure that access to and use of public records and information are conducted responsibly and not abused for commercial or improper purposes, while fully adhering to the provisions and intent of APRA; and

WHEREAS, the Board of Commissioners of Huntington County, Indiana (the "Board"), desires to adopt a policy consistent with Indiana law to establish procedures governing the circumstances under which County agencies may disclose or withhold public records.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Huntington County, Indiana, as follows:

1. **AUTHORITY.** This Ordinance is adopted pursuant to the authority granted under Indiana Code § 5-14-3 *et seq.*, and all other applicable laws.
2. **DEFINITIONS.** For purposes of this Ordinance, the following terms shall have the meanings set forth below. Terms not defined herein shall have the same meanings provided under Indiana Code § 5-14-3 *et seq.*, as amended.
 - a. "Commercial Purpose" means the use of public records or information for: (1) profit, trade, or solicitation, including, but not limited to, the selling, advertising, or soliciting the purchase of merchandise, goods, or services; (2) the selling, loaning, giving away, or otherwise delivering such information to any other person for those purposes; (3) the sale, resale, or distribution of records for marketing or advertising purposes; or (4) the use of such information to undercut, manipulate, or engage in price gouging against competitors in connection with public contracts, public works, or public agreements.

- b. “Public Records” shall mean any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with the County and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.
3. POLICY. The County, in its reasonable discretion, may decline a request for public records made under the APRA to the extent such request is sought by or on behalf of a person or entity who will or may use those records for a Commercial Purpose. The determination of whether a requestor is seeking public records for a Commercial Purpose shall be made by the County.
4. SEVERABILITY. If any provision, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining provisions. The remaining portions of this Ordinance shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
5. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage and approval.

ADOPTED and PASSED by the Board of Commissioners of Huntington County, Indiana, this 1 day of December, 2025.

This Resolution was adopted on December 1, 2025. A signed physical copy of this document is available by request in the Commissioners’ Office located at 201 North Jefferson Street Huntington, Indiana