WARRICK COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2014-11

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA

WHEREAS, the Board of County Commissioners of Warrick County has determined that there is a need to establish an ordinance regarding the disclosure of electronically stored public records via paper, disk, or any other electronic format to persons for commercial purposes; and

WHEREAS, the Board wishes to adopt a policy of Warrick County in accordance with Indiana Code §5-14-3-3(d) and (e).

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA THAT:

Section 1. Form and Content of Public Records Request

All requests for inspection or copying of public records must be (i) in writing, and (ii) identify with reasonable particularity the record(s) being requested. No request complying with the Indiana Access to Public Records Act may be denied for failure to state the purpose of the request.

Section 2. Public Records Request

Any person making a request that complies with the requirements of Section 1 may inspect and copy the public records during the regular business hours of the County. If the County maintains the requested record in an electronic storage data system, and the County is able to retrieve those records through Reasonable Efforts, then the County shall provide a copy of all disclosable data via disk or any other method of electronic retrieval.

Section 3. Use of Information for Commercial Purpose

Notwithstanding the above, if any office holder, department or division of Warrick County believes the request is for any kind of commercial purpose, then all such persons making requests for public records must first verify in writing that they will not use the information for commercial purposes, including a statement that the requesting party shall not 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 other person for these

purposes. The verification shall be in the form prescribed herein, and the office holder, department or division of Warrick County is under no obligation to comply with the request for records until this verification has been received.

Use of information in connection with the preparation or publication of news, for nonprofit activities, or for academic research shall not be considered as use for commercial purposes and does not require written verification.

Section 4. Violation of Ordinance

A person who uses information in a manner contrary to this Ordinance or the verification provided for herein shall be prohibited from obtaining a copy of the requested data or any additional or future data requests from Warrick County.

Section 5. Reasonable Effort to Provide Public Records

The County shall make Reasonable Efforts to provide public records contained within an electronically stored data system to any person complying with the requirements of this Ordinance. For purposes of this Ordinance, "Reasonable Efforts" shall be determined in the discretion of the office holder, department, or division of Warrick County in which the records are kept.

Section 6. Form of Verification

The verification provided for in Section 3 shall be in the following form.

VERIFICATION OF NO COMMERCIAL PURPOSE

To: _____ (Requesting Party)
_____ (Address)
_____

From: _____ (County Office)
_____ (Name)
_____ (Title)

This office acknowledges receipt of your request pursuant to the Indiana Access to Public Records Act, I.C. 5-14-3 *et.seq.,* for certain records to be provided in an electronic format. We have determined your request may be for commercial

purposes. Before responding to your request, please date and sign the form below and submit to the office listed above.

I, _____, representing _____, the requesting party, do hereby swear and affirm that the information requested and to be provided to me shall not be sold, advertised, or solicited for purposes of purchasing merchandise, goods or services by any party, nor will the information be sold, loaned, given away or otherwise delivered in any manner to any other person for these purposes. I furthermore acknowledge that any breach of this verification may result in the requesting party being prohibited from any additional or future records requests from Warrick County under Indiana law.

Signed: _____

Printed: _____

Dated: _____

Section 7. Effective Date of Ordinance.

This Ordinance 2014-11 shall be effective upon passage

Adopted this 14TH day of APRIL, 2014.

WARRICK COUNTY
BOARD OF COMMISSIONERS

By: Don Williams
Don Williams, President

Richard Reid, Vice-President

Marlin Weisheit, Member

Attest:

Dixie Dugan, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

Todd I. Glass, Esq. #13982-18
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County Attorney