

BILL NO. G-25-08-38

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE AMENDING CHAPTER 38: CITY
POLICIES OF THE CITY OF FORT WAYNE CODE OF
ORDINANCES.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That CHAPTER 38: CITY POLICIES of the City of Fort
Wayne, Indiana, Code of Ordinances of be amended as follows:

ADD NEW SECTIONS AS FOLLOWS:

§38.07 TITLE.

This article may be cited and referred to as the "Non-Disclosure of Public Records
for Commercial Purpose Ordinance".

§38.08 POLICY.

It is hereby declared to be the public policy of the City:

- (A) That the City recognizes that under the Access to Public Records Act, I.C. 5-14-3-1,
et. seq. (the "APRA") providing persons with information is an essential function of a
representative government and an integral part of the routine duties of public officials
and employees, whose duty it is to provide the information.
- (B) The City also recognizes that its resources are limited and the APRA gives discretion
to the City to determine in certain cases the limits to the type of information that may
be disclosed and specifically permits, pursuant to I.C.4-22-2, the City to create an
ordinance limiting the disclosure of information to persons who seek information for
commercial purpose.

§38.09 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the
context clearly indicates or requires a different meaning:

CITY. The City of Fort Wayne, its Departments and Divisions.

COMMERCIAL PURPOSE. Selling, advertising, or soliciting the purchase of
merchandise, goods, or services or selling, loaning, giving away, or otherwise delivering
the information obtained to any other person for these purposes.

1 **PUBLIC RECORDS.** Any writing, paper, report, study, map, photograph, book, card,
2 tape recording, or other material that is created, received, retained, maintained, or filed
3 by or with the **CITY** and which is generated on paper, paper substitutes, photographic
4 media, chemically based media, magnetic or machine readable media, electronically
5 stored data, or any other material, regardless of form or characteristics.

6 **§38.10 NON-DISCLOSURE OF PUBLIC RECORDS FOR COMMERCIAL PURPOSE**

7 The City, in its discretion, may decline a request for public records under the APRA to
8 the extent such request is sought by or on behalf of a person or entity who will or may
9 use those records for commercial purpose. The determination of whether a requestor is
10 seeking public records for commercial purpose shall be made by the City.

11 **SECTION 2.** That this Ordinance is in full force and effect from and after
12 its passage and any and all necessary approval by the Mayor.

13 _____
14 Council Member

15 APPROVED AS TO FORM AND LEGALITY

16 _____
17 Malak Heiny, City Attorney
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CHAPTER 38: CITY POLICIES

Section

38.01 Depositories of public documents designated

38.02 Extension of services to annexed areas

38.03 (Reserved)

38.04 Disclosure required by all purchasers or sellers

38.05 Publication of contracts for goods and services and city expenditures

38.06 Contracting conflict of interest

38.07 Title

38.08 Policy

38.09 Definitions

38.10 Non-Disclosure of Public Records for Commercial Purpose

§38.07 TITLE.

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