

RESOLUTION NO. 2024-08

**A RESOLUTION REGARDING THE POTENTIAL USE OF WAYNE TOWNSHIP
PUBLIC RECORD DATA FOR COMMERCIAL PURPOSES
WAYNE TOWNSHIP OF MARION COUNTY, INDIANA**

WHEREAS, Wayne Township of Marion County, Indiana, has received a public records request for several years of detailed purchasing data kept in the computer systems of the Township; and,

WHEREAS, the Indiana Access to Public Records Act requires Indiana governmental entities to provide regularly kept electronic data upon request; and,

WHEREAS, the entity that has made the public records request proports to be an entity that shares purchasing data among various governmental units in order to facilitate the improvement of governmental purchasing systems and practices; and,

WHEREAS, Indiana Code Section 5-14-3-3 (e) provides that an Indiana public entity may prescribe “the conditions under which a person who receives information ... may or may not use the information for commercial purposes, including to 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....”; and,

WHEREAS, IC 5-14-3-3 (e) also states that if the recipient of such information uses such information contrary to the policy adopted by the unit of government, the unit of government may prohibit the entity from receiving any further data,

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Wayne Township, Marion County, Indiana, that the following Resolution regarding the Potential Use of Wayne Township Public Record Data for Commercial Purposes for Wayne Township of Marion County, Indiana, is adopted as follows:

1. Under the provisions of Indiana Code Section 5-14-3-3, subsection (e), Wayne Township has the authority to determine whether Township data provided to a non-governmental entity may be used by that entity for commercial purposes, or whether that entity can provide that data to another entity to use for commercial purposes.
2. It is the policy of Wayne Township of Marion County, Indiana, that any data provided to a non-governmental entity may not be used for commercial purposes.
3. For purposes of this resolution, commercial purpose is defined as any action to 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.

4. Township staff is directed to provide a copy of this policy to any data requestor that the Township provides electronic data under the Access to Public Records Act.
5. If it comes to the attention of the proper authorities of Wayne Township of Marion County, Indiana, that a requestor of Wayne Township data has used such data for commercial purposes in contravention of this policy, such requestor will be informed that no further data requests will be fulfilled.
6. If a requestor that has been informed that no further data requests will be fulfilled provides evidence to the Township Trustee that demonstrates that they have not in fact violated this policy, the Township Trustee, in his or her sole discretion may direct the Township staff to fulfill the data request.

Dated this _____ day of _____, 2024.

THE WAYNE TOWNSHIP MARION COUNTY INDIANA BOARD

APPROVED:

OPPOSED:

Bryan Chatfield, Chairperson

Bryan Chatfield, Chairperson

Ramona Ward, Vice-Chairperson

Ramona Ward, Vice-Chairperson

Doris Minton-McNeill, Secretary

Doris Minton-McNeill, Secretary

Charlotte Scott, Member

Charlotte Scott, Member

Gary Woodruff, Member

Gary Woodruff, Member

ATTEST:

Jeb Bardon, Trustee