

PUBLIC RECORDS POLICY
CITY OF NORTH RIDGEVILLE

1. PURPOSE

The purpose of this Policy is to provide for more efficient compliance with Ohio Revised Code Section 149.43 on Availability of *Public Records*. This Policy is also designed to achieve uniformity of application of that Law, insofar as uniformity is practicable. It is the City's policy to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

2. DEFINITIONS

2.1 Record: Includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in Section 1306.01 of the Ohio Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

2.2 Public Record: means records kept by any public office of the City of North Ridgeville and any of its departments unless specifically exempt by statute. "Public Record" does not mean any of the following:

- (a) Medical records;
- (b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;
- (c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Ohio Revised Code and to appeals of actions arising under those sections;
- (d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Ohio Revised Code;

- (e) Information in a record contained in the putative father registry established by section 3107.062 of the Ohio Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Ohio Revised Code, the office of child support in the department or a child support enforcement agency;
- (f) Records listed in division (A) of section 3107.42 of the Ohio Revised Code or specified in division (A) of section 3107.52 of the Ohio Revised Code;
- (g) Trial preparation records;
- (h) Confidential law enforcement investigatory records;
- (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Ohio Revised Code;
- (j) DNA records stored in the DNA database pursuant to section 109,573 of the Ohio Revised Code;
- (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Ohio Revised Code;
- (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Ohio Revised Code;
- (m) Intellectual property records;
- (n) Donor profile records;
- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Ohio Revised Code;
- (p) Peace officer, firefighter, or EMT residential and familial information;

- (q) In the case of a county hospital operated pursuant to Chapter 339. of the Ohio Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Ohio Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Ohio Revised Code;
- (r) Information pertaining to the recreational activities of a person under the age of eighteen;
- (s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Ohio Revised Code, other than the report prepared pursuant to section 307.626 of the Ohio Revised Code;
- (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Ohio Revised Code other than the information released under that section;
- (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Ohio Revised Code or contracts under that section with a private or government entity to administer;
- (v) Records the release of which is prohibited by state or federal law;
- (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Ohio Revised Code;
- (x) Information reported and evaluations conducted pursuant to section 3701.072 of the Ohio Revised Code;
- (y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information

that identifies any individual who benefits directly or indirectly from financial assistance from the agency.

2.3 Confidential law enforcement investigatory record: means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

- (a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
- (b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;
- (c) Specific confidential investigatory techniques or procedures or specific investigatory work product;
- (d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

2.4 Medical record: means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

2.5 Trial preparation record: means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

2.6 Intellectual property record: means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

2.7 Donor profile record: means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

2.8 Peace officer, firefighter, or EMT residential and familial information: means either of the following:

- (a) Any information maintained in a personnel record of a peace officer, firefighter, or EMT that discloses any of the following:
 - (i) The address of the actual personal residence of a peace officer, firefighter, or EMT, except for the state or political subdivision in which the peace officer, firefighter, or EMT resides;
 - (ii) Information compiled from referral to or participation in an employee assistance program;
 - (iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, firefighter, or EMT;
 - (iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, firefighter, or EMT by the peace officer's, firefighter's, or EMT's employer;
 - (v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, firefighter's, or EMT's employer from the peace officer's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;
 - (vi) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, firefighter, or EMT.

- (b) Any record that identifies a person's occupation as a peace officer, firefighter, or EMT other than statements required to include the disclosure of that fact under the campaign finance law.

As used in sections 2.8 and 4.3 (c) of this policy "peace officer" has the same meaning as in section 109.71 of the Ohio Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in sections 2.8 and 4.3(c) of this policy, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in sections 2.8 and 4.3(c) of this policy, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Ohio Revised Code.

2.9 Information pertaining to the recreational activities of a person under the age of eighteen: means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following;

- (a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;
- (b) The social security number, birth date, or photographic image of a person under the age of eighteen;
- (c) Any medical record, history, or information pertaining to a person under the age of eighteen;
- (d) Any additional information sought or required about a person under the age of

eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

2.10 Community control sanction: has the same meaning as in section 2929.01 of the Ohio Revised Code.

2.11 Post-release control sanction: has the same meaning as in section 2967.01 of the Ohio Revised Code.

2.12 Redaction: means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record” in section 149.011 of the Ohio Revised Code.

2.13 Journalist: means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

2.14 Any other record which is defined by Federal or State law as exempt.

2.15 Transient Records: includes telephone messages, post-it notes, drafts, some e-mails and other documents which serve to convey information of temporary value.

3. PREPARATION/AVAILABILITY OF PUBLIC RECORDS:

3.1 Public records requests will be accommodated during the regular posted business hours, Monday through Friday, of the office they seek the records from. Public records requests will not be accepted on weekends or holidays. Upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost as specified in section 5, and within a reasonable period of time or at other times as specified in section 4 of this Policy. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

3.2 To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with section 3.1. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

3.3 Current records retention schedules shall remain on file in the Office of the Clerk of Council and are readily available for public inspection.

4. PUBLIC DOCUMENTS REQUEST PROCESS:

4.1 Request Form:

- (a) All requests for public documents may be made by filling out the form attached hereto as Appendix A. A public office or person responsible for public records

may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

- (b) Any record which is interpreted to be exempt under section 2.2 (a) through (y) which is sought for release shall be submitted to the Law Department for review. Doubts as to such classification shall be resolved in favor of submission.
- (c) If any person chooses to obtain a copy of a public record in accordance with (a) and (b) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.
- (d) Upon a public records request made, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay

in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission. The requester, in all instances, may personally appear to retrieve records.

- (e) Requests for electronic media records will be responded to in the file format in which it is maintained by the public office.

4.2 Delivery of Public Records Request:

- (a) Public records are to be available for inspection during the regular posted business hours, Monday through Friday, of the office they seek the records from. Public records requests will not be accepted on weekends or holidays.
- (b) Public records must be made available for inspection promptly.
- (c) Copies of public records must be made available within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

4.3 Public Records Request Limitations:

- (a) The number of public records request to be transmitted by United States mail is limited to ten (10) per month, unless the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. Commercial shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizens oversight or understanding of the operation or activities of government, or nonprofit educational research.
- (b) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a

criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

- (c) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, firefighter, or EMT shall disclose to the journalist the address of the actual personal residence of the peace officer, firefighter, or EMT and, if the peace officer's, firefighter's, or EMT's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, firefighter's, or EMT's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

4.4 Denial of a Records Request:

- (a) If a request is ultimately denied in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. A redaction constitutes denial of a public records request.
- (b) The City of North Ridgeville recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City of North Ridgeville's failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requester attorney's fees and damages.

5. SCHEDULE OF FEES (GENERAL):

5.1 Fees for copies shall be charged in accordance with ordinances adopted by Council which are on file in the Office of the Clerk of Council.

5.2 If an outside copying service is used to make copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service and any other applicable costs as described in section 5.6 and 5.7.

5.3 Requests to obtain records contained on computer diskettes, computer tapes, audio tapes, video tapes, etc. shall be provided free of charge upon the requester furnishing the appropriate recording medium. If such recording medium is not provided by the requester, then a charge shall be assessed in accordance with current market prices.

5.4 A fee shall not be charged for requests to obtain records through local facsimile transmission, however, for requests responded via long distance facsimile transmission, the City shall charge a fee commensurate with the cost incurred by such long distance transmission.

5.5 A fee shall not be charged for requests to obtain records through email other than for reasons stated in section 5.6.

5.6 In addition to section 5.1 through 5.5, if applicable, actual costs of postage and other supplies used in the compilation or mailing of any records request shall be assessed in accordance with current market prices.

5.7 A deposit may be required before records are reproduced or sent to an outside copying service.

6. IMPROPER DISCLOSURE:

Improper disclosure of records which have been clearly designated as confidential may subject the person so disclosing such documents to prosecution under Ohio Revised Code Section 102.03(B) as well as other disciplinary action.