



## **PUBLIC RECORDS POLICY**

### **1. PURPOSE**

The purpose of this Policy is to provide for compliance with Ohio Revised Code Section 149.43, availability of Public Records. It is the City's policy to adhere to the state's Public Records Act. 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.

### **2. DEFINITIONS of terms are the same as definitions in ORC 149.43.**

### **3. PREPARATION/AVAILABILITY OF PUBLIC RECORDS:**

Public records requests will be accommodated during the regular posted business hours, Monday through Friday, from the office processing the records. Upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt, 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, unless a federal or state law authorizes or requires a public office to make the redaction.

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 this section. 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 the public records 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.

Current records retention schedules shall remain on file in the Office of the Clerk of Council and are readily available for public inspection. Records are generally only available for as long or as far back as indicated on the records retention schedules. If records are retained longer than indicated on the records retention schedules for that record, it is still available as a public record.

#### **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.
- (b)** Each record shall be submitted to the Law Department for review before being released.
- (c)** If any person chooses to obtain a copy of a public record 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.
- (d)** 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, as long as it is practical to do so.
- (e)** 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.
- (f)** 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.

- (g) 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.
- (b) Public records must be made available for inspection promptly, within a reasonable amount of time.
- (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 requests to be transmitted to one person or entity 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 citizen's 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) Changes are occasionally to the Public Records Act, O.R.C. 149.43, and to the case law interpreting the Act. If any conflict arise between this policy and the current Act or latest case law, the current Act or latest case law shall apply.

#### **4.4 Denial of a Records Request:**

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.

#### **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. Only the actual costs are allowed under the Public Records Act.

**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.

**5.3** In addition to any costs allowed by law, 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.

#### **6. IMPROPER DISCLOSURE:**

Improper disclosure of records which are privileged, confidential, or exempt under law may subject the person so disclosing such documents to prosecution under Ohio Revised Code Section 102.03(B) as well as other disciplinary action.

**(APPENDIX A)**  
**REQUEST FOR PUBLIC RECORDS**  
**PUBLIC CITIZENS REQUEST FORM**

Ohio Revised Code Section 149.43 (b) requires the City to provide records in a reasonable period of time. Depending on research, additional time may be afforded in order to complete the request. 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.

STATE YOUR REQUEST:		
DATE SUBMITTED:		
EXPECTED DELIVERY DATE:		
TYPE OF COPY NUMBER OF COPIES & NUMBER OF PAGES		**Please see cost list below
NAME OF REQUESTOR (optional):		
ADDRESS / EMAIL: (method of delivery)		
CONTACT PHONE NUMBER:		
PUBLIC OFFICE OR PERSON RESPONSIBLE FOR PUBLIC RECORDS REQUEST:		
DATE RECEIVED:		
DATE TRANSMITTED:		

## COST LIST

PAPER	\$0.05 PER PAGE
ELECTRONIC (EMAIL)	
CD ROM (DIGITAL)	
FAX	NO FEE
ELECTRONIC FILES	NO FEE
UNITED STATES POSTAL MAIL	POSTAGE - CURRENT MARKET PRICE