

CHAPTER 37: PUBLIC RECORDS POLICY

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§ 37.01 INTRODUCTION.

The city adopts this public records policy to reflect its belief that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the city 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.

(1985 Code, § 37.01) (Res. 05-08, passed 6-23-2008)

§ 37.02 PUBLIC RECORDS.

(A) The city, in accordance with the Ohio Revised Code, defines *RECORDS* as including the following: any document, paper, electronic (including but not limited to e-mail) or other format that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations or other activities of the office. All records of the city are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

(B) It is the policy of the city that, as required by state law, records will be organized and maintained so that they are readily available for inspection and copying (See § 37.05 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

(1985 Code, § 37.02) (Res. 05-08, passed 6-23-2008)

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§ 37.03 RECORD REQUESTS.

Each request for public records should be evaluated for a response using the following guidelines.

(A) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requester of the manner in which the office keeps its records.

(B) The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is the city's general policy that this information not be requested.

(C) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. 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.

(D) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately, if feasible to do so. Routine requests include but are not limited to meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters and the like. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up. Each public official or employee responsible for responding to a public records request shall prepare, make available for inspection, and shall make copies of, if requested, the requested public records promptly, subject to that person's duties to respond to calls for other important city services, including emergency calls for services which relate to the preservation of the health and safety of people, and the preservation of property, within the community. All requests for public records must either be satisfied or be acknowledged in writing by the public office within a reasonable time following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:

- (1) An estimated number of business days it will take to satisfy the request;
- (2) An estimated cost if copies are requested; and
- (3) Any items within the request that may be exempt from disclosure.

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(E) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

(1985 Code, § 37.03) (Res. 05-08, passed 6-23-2008)

§ 37.04 COSTS FOR PUBLIC RECORDS.

Those seeking public records will be charged only the actual cost of making copies.

(A) The charge for paper copies is \$0.05 per page.

(B) The charge for downloaded computer files to a compact disc is \$1 per disc.

(C) There is no charge for documents e-mailed.

(D) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

(1985 Code, § 37.04) (Res. 05-08, passed 6-23-2008)

§ 37.05 E-MAIL.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

(A) Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the city are instructed to retain their e-mails that relate to public business (see § 37.02 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

(B) The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

(1985 Code, § 37.05) (Res. 05-08, passed 6-23-2008)

§ 37.06 FAILURE TO RESPOND TO PUBLIC RECORDS REQUEST.

The city 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's

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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.

(1985 Code, § 37.06) (Res. 05-08, passed 6-23-2008)