

Village of Glendale, Ohio

Updated December, 2012

INTRODUCTION TO PUBLIC RECORDS

It is the policy of the Village of Glendale that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this Office to adhere to the State's Public Records Act, R.C.§149.43. All exemptions to openness are to be narrowly construed and any denial of public records in response to a valid request will be in writing and accompanied by an explanation, including legal authority.

PUBLIC RECORDS

Section 1. Definition

The Village of Glendale, defines records in accordance with the Ohio Revised Code, which includes 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 Village of Glendale are public unless they are specifically exempt from disclosure under the Ohio Revised Code or other applicable legal authority.

Section 1.1 Organization and Maintenance

It is the policy of the Village that, as required by the Ohio Revised Code, records will be organized and maintained so that they are available for inspection and copying (See Section 4 for the e-mail record policy). The Village shall have a copy of its current records retention schedule readily available to the public at its administrative office and shall post a summary of the policy in that office.

PUBLIC RECORDS REQUESTS & RESPONSES

Section 2 Response to a Public Records Request

The Village will use the following guidelines in responding to each public records request:

Section 2.1 Identification of Public Records Requested

All public records requests shall be made directly to the office of the Village Administrator (Administrator). Although no specific language is required to make a request, the requestor 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 Administrator will contact the requestor for clarification and assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2 Method of Public Records Request and Identify of Requestor

The requestor 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 Village's policy that this information will not be requested, however, when appropriate, the Village may inform the requestor that providing such information may benefit the requestor by enhancing the ability of the Village to identify, locate and deliver the public records requested.

Section 2.3 Availability of Public Records for Inspection and Production of Copies

Public records, wherever located, will be available for inspection during the regular business hours of the Village Office. Public records must be made available for inspection promptly. Copies of public records must be made available within

a reasonable period 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.

In order to ensure the integrity of its public records, the Village of Glendale will assign an employee to be present at all times during the inspection of its records. The employee will be present to ensure that the records are not damaged or removed and will not otherwise interfere with the requestor's access to and/or review of the records. The employee present will not be permitted to interpret or explain any records or to gather any additional records beyond the original public records requested.

Section 2.4 Time Constraints for Satisfying Public Records Requests

Each request should be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. 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. There is no requirement that the Village create records in an electronic format if such records are not already maintained or retained in that format.

It is the goal of the Village that all requests for public records will be promptly satisfied or acknowledged in writing (if the requestor is identified and provides contact information). If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement will include at least the following to the extent that such information is known at the time of the acknowledgement:

- an estimated number of business days it will take to satisfy the request;
- any items within the request that may be exempt from disclosure;
- a request for clarification (if necessary);
- an estimated cost if copies are requested and such an estimate is feasible.

COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS

Section 3 Charges for Copies and Postage

Public records will be copied by the office of the Village Administrator or other Village officers, employees or representatives designated by the Administrator. Under no circumstances will the requestor be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Administrator.

Section 3.1

Those seeking public records will be charged only the actual cost of making copies, as follows:

- the charge for black-and-white paper copies is 5 cents per page for a standard 8.5 x 11 single sided sheet;
- larger pages and color copies may require higher fees, which will be disclosed to the requestor before copies are made;
- charges will include postage, supplies and other mailing costs for records that are mailed to the requestor;
- there will be no charge for requests in a 30-day period that would have resulted in total charges of \$1.00 or less;
- payment for charges between \$1.01 and \$10.00 must be received at or before the time copies are made available to the requestor - charges exceeding \$10.00 must be prepaid;
- the Village may outsource any large document request and the requestor will be informed of the estimated cost of the copying of the documents responsive to the request and will be required to pay the cost of the entire job, as billed by the copying service;
- a receipt will be provided upon request;
- Ohio law may provide for specific fees to be charged for certain records (e.g. police accident reports \$4.00 each, with photographs at an additional cost, pursuant to R.C.§5502.12

Section 3.2

The charge for downloaded computer files to a compact disc is \$1.00 per disc.

Section 3.3

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

E-MAIL AS PUBLIC RECORDS

Section 4 E-Mail and Other Documents in Electronic Format as Public Records

E-mails and other documents in electronic format are public records as defined by the Ohio Revised Code when their content relates to public business. Such documents are to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 Private E-Mail Accounts Holding Public Records

Records in private e-mail accounts that are used to conduct public business are considered public records. All employees or representatives of the Village are instructed to retain such records according to retention schedules and other standards set by the Village (see Section 1 Public Records).

Section 4.2 Managing Private Account E-Mails Received by the Village

E-mails and other documents concerning public business that are received by the Village from private accounts will be treated as records of the public office, in that they will be filed in the appropriate way, retained per established schedules and made available for inspection and copying in accordance with the Public Records Act.

DENIAL OF A PUBLIC RECORDS REQUEST

Section 5 Disclosure Prohibited or Not Required

Under certain circumstances, the Village is prohibited from releasing records, in which case the public record request will be denied on that basis. In other instances, the Village is permitted to withhold certain records from disclosure under state or federal law and the Village will consider disclosure on a case-by-case basis. Under the Ohio Revised Code, any denial of a public records request, whether written or verbal, will be given in writing and accompanied by an explanation including legal authority.

Section 5.1 Ambiguous, Over-Broad or Otherwise Vague Requests

Requests that are ambiguous or overly broad, such that it is difficult to identify the public records requested, will be denied. However, in such cases, the Administrator will give the requestor an opportunity to more accurately describe the public records being sought. In order to assist the requestor, the Administrator will inform the requestor of the manner that the records under discussion are maintained and accessed.

COMPLIANCE

Section 6

The Administrator may consult with legal counsel prior to the release of any public records in order to allow the Village to comply with laws regarding the release of certain records.

FAILURE TO RESPOND TO PUBLIC RECORDS REQUEST

Section 7

The Village recognizes that failure to comply with a request may result in remedies and damages according to R.C. §149.43.