

CITY OF NORTH ROYALTON, OHIO
OHIO PUBLIC RECORDS POLICY

INTRODUCTION

This Public Records Policy is adopted by the **City** of North Royalton as required by Ohio House Bill 9, effective September 29, 2007.

Section 1. Public Records Clerk.

Each City Department Director shall designate one person in that Department as the “Public Records Clerk”. Such designation shall be transmitted in writing to the Mayor for approval. The Mayor shall keep a record of all persons designated as Public Records Clerks in each department including all certificates for training as required by HB 9. Each department director shall keep a record of such designation and certificates of training. Hereinafter, all reference to the Public Records Clerk shall mean and include the person who holds such designation for the respective department to which a public records request is submitted.

All requests for public records must be directed to the Public Records Clerk of the appropriate City Department. Public records requests made to a department that does not maintain the record(s) being sought shall be rejected and the requestor referred to the appropriate department. Requests made to one department that involve documents in more than one department shall be referred by the Public Records Clerk who received the initial request to all other appropriate departments. The person making the request shall be notified which other departments will be receiving the request.

The Public Records Clerk shall be that person designated and approved by the Mayor who is authorized to respond to or to fulfill any public records request. Any public records request made to any other employee, officer or representative of the City shall not be considered as a properly made request, and any response made by any other employee, officer or representative of the **City** is unauthorized under this policy. The Mayor, with input from the Department Director, may designate an Acting Public Records Clerk to serve in the absence of the designated Public Records Clerk.

Section 2. Requests during Business Hours Only

Requests made in person must be done during regular business hours, defined herein generally as 8:30 a.m. to 4:30 p.m. weekdays, excluding Saturdays, Sundays, and holidays except for the following departments:

Police	8:00 AM to 3:00 PM
Service	8:00 AM to 3:30 PM
Fire	7:00 AM to 3:00 PM

All public record requests made in person shall adhere to this requirement even if the public office, e.g. the division of police, is operated on a twenty-four (24) hour basis. Requests made via fax or email after business hours will be reviewed the following business day.

Section 3. Public records

For the purposes of this Policy, the terms “records” and “public records” shall have the meanings set forth in Ohio Revised Code Chapter 149, as amended from time to time and includes the following elements:

Public Record Policy
Ord. 07-98

1. any document, device, or item, regardless of physical form or characteristic, including an electronic record;
2. that is created or received by, or coming under the jurisdiction of a public office; and
3. that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. This does not include records kept for our administrative convenience.

There is no central repository of records at the City. Each Department keeps separate records of its operation and has a separate records retention schedule. You may ask for a copy of our records retention schedule, which will familiarize you with the types of records available. It is not possible to designate one person to respond to all requests for records. Rather some requests may require transmission of the request to several departments for research and response.

Section 3.1 Organization of Public Records

The Director of each Department including the Administration, with the approval of the Mayor, and City Council Office with the approval of the President of Council, shall establish Departmental policies that require all records of the respective City Department will be organized and maintained so that they are readily available for inspection and copying. The City's record retention schedule(s) may be amended from time to time at the discretion of the Records Commission.

Section 4. Public Record Requests

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

Section 4.1

We will provide prompt inspection of public records and copies of public records in a reasonable period of time. When you make a request, we will ask you to complete a "Public Records Request Form," which will help us locate the records and expedite your request. You are not legally required to fill out the form, identify yourself, or give the purpose of your request. If the records cannot be provided while you wait, we will contact you when the records are available. The Public Records Clerk may deny a request if the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Public Records Clerk cannot reasonably identify what public records are being requested. However, in such cases, the Public Records Clerk will provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired.

Section 4.2

A public record request may be made in writing or verbally, and the identity of the requester and/or the intended use of the information or documents requested need not be disclosed. When you make a request, we will ask you to complete a "Public Records Request Form," which will help us locate the records and expedite your request. You are not legally required to fill out the form, identify yourself, or give the purpose of your request. However, the Public Records Clerk may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Clerk to identify, locate, or deliver the public records sought and if the Public Records Clerk informs the requester that a written request, disclosure of identity and/or intended use is not mandatory.

Section 4.3

Public records will be made available for inspection only during regular business hours as defined in Section 1, above. 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. Public records can be accessed by one of the following methods: a request to view public records in person, in which case an appointment may be necessary; a request for copies of public records that the requester will personally pick up from the Public Records Clerk; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

Section 4.3a Request to review public records.

The requester may make a request to view public records to the Public Records Clerk, who shall prepare the public records for inspection “promptly,” as required by the Ohio Revised Code. The actual time required to comply with the request may vary and will depend on the circumstances (such as location of the records, the volume of records being requested, the number of departments who have some of the records or need for legal review).

Section 4.3b Copies of public records.

The requester may make a request to have copies of public records made to the Public Records Clerk. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the City, or upon any other medium if the City can reasonably duplicate it as an integral part of its normal operations.

Copies made on paper are 5¢ (five cents) per page. All copy charges must be paid in advance before copies are made. If the Public Records Clerk uses an outside copying service to make the copies (see the following paragraph), the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than paper will be “at cost,” without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Clerk or other authorized officers, employees or representatives. The Public Records Clerk may use an outside copying service to make the copies, at the Public Records Clerk’s discretion. Under no circumstances will the requester be permitted to make the copies. The manner of making the copies is at the discretion of the Public Records Clerk. Requests to copy a certain number of public records on a given page, by “reducing” copy size or otherwise, may be met at the discretion of the Public Records Clerk.

Copies will be made available by the Public Records Clerk “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.

Section 4.3c Transmitting copies of public records

A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (FedEx, UPS, fax, e-mail). (For example, public records that are only available in paper form will not be scanned and sent by e-mail, but can be sent by fax.) The cost of transmitting must be paid by the requester *before* the public records will be transmitted.

Copies will be transmitted to the requester by the Public Records Clerk “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of the records and the volume of records requested.

Section 4.3d Cost of copies or means of transmitting copies

Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) shall be paid for in cash. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Clerk estimates to cover the cost of copies or means of transmission. If that amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies or means of transmission, the excess will be repaid to the requester.

Section 5. Denial of Public Record Request

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions of the records are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code, each redaction must be accompanied by a supporting explanation, including legal authority. Public Records Clerks are required to check with the Law Department whenever a public records request will require denial in whole or in part except for routine redaction of information such as social security numbers,

Section 6. Records and Information Exempt from Disclosure

Some records or information maintained by the **City** are not “public records” but are protected, confidential records or confidential information under Ohio and/or Federal law. Examples of protected, confidential records or information, include, without limitation:

1. infrastructure records,²
2. security records,
3. medical records,
4. records pertaining to adoption, probation, and parole proceedings,

²“Infrastructure record” is defined by R.C. 149.433 as “any record that discloses the configuration of a public office’s or chartered nonpublic school’s critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office or chartered nonpublic school is located. “Infrastructure record” does not include “a simple floor plan that discloses only the spatial relationship of components of a public office or chartered nonpublic school or the building in which a public office or chartered nonpublic school is located.” R.C. 149.433.

Public Record Policy

Ord. 07-98

5. records pertaining to actions and appeals under R.C. 2151.85 (juveniles seeking abortions),
6. records listed in 3107.42 (A) (relating to adoption release records),
7. trial preparation records,
8. records and communications protected by R.C. 2317.02(A) (records and communications by and between the City and its attorneys),
9. confidential law enforcement investigatory records,
10. records containing information that is confidential under R.C. 4112.05 (Civil Rights Commission),
11. DNA records per R.C. 109.573,
12. Social Security numbers
13. records of ongoing investigations
14. BMV records
15. records that a judge ordered to be sealed per a statute
16. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information (R.C. 149.43(A)(7));
17. Criminal defendant requests for release of records prior to expiration of all appeals or absent a court order;
18. Confidential informant identity and location;
19. Uncharged criminal suspect;
20. For additional legal reasons for denial, see RC 149.43(B) or other applicable state or federal statutes.

In no event will records and communications by and between and the City and its attorneys be released, unless the City consents to their release.

Section 7. Compliance with Ohio Revised Code requirements

With any public record request, the City and the Public Records Clerk reserve the right to consult with legal counsel prior to the release of such public records. This procedure is intended to allow the City the opportunity to comply with the laws prohibiting the release of certain records and permitting the denial of release of certain records and preparing a proper response in support of same.

Section 8. Posting of Poster

As required by HB 9, a poster summarizing the main points of this policy shall be developed and prominently displayed in each department at or near the place where the public is invited and would likely present a public records request.