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# CITY OF STRONGSVILLE

## PUBLIC RECORDS POLICY

### Introduction

The City of Strongsville maintains various records used in the administration and operation of the City. In accordance with State law and the City's Ordinances and Records Commission, the City has adopted Schedules of Records Retention and Disposition (RC-2) that identify such records. The records maintained by the City and the ability to access them are a means to provide trust between the public and the City.

It is the policy of the City of Strongsville that openness leads to a better informed citizenry, which in turn leads to better government and more responsive public policy. It is the policy of the City to strictly adhere to the State's Public Records Act (O.R.C. Section 149.43 et seq.). 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.

### Section 1. Public Records

The City, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, business 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 exempt from disclosure under the Ohio Revised Code.

#### **Section 1.1**

It is the policy of the City that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules as approved by the City's Records Commission in accordance with law are to be updated regularly and posted prominently. Each City Department that maintains records has a designated employee who serves as the custodian of all records maintained by such Department.

### Section 2. Records Requests

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

## **Section 2.1**

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 City to identify, retrieve, and review the records. If it is not clear what records are being sought or the request is overly broad or ambiguous, the City's particular custodian of the records requested should contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records. The City is under no obligation, however, to create new records or perform new analysis of existing information in order to simply meet a public records request. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering or querying.

## **Section 2.2**

The requester does not have to submit a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. However, the City records custodian may suggest that a written request be submitted, and may ask for the requester's identity and/or intended use of the information requested if (1) it would benefit the requester by helping the public office identify, locate or deliver the records being sought; and (2) the requester is informed that a written request and the requester's identity and intended use of the information requested are not required. It is the general policy of the City that consistent with the above, it will be suggested that requesters fill out a simple form seeking basic information concerning the request.

## **Section 2.3**

Public records are to be available for inspection from 8:00 a.m. to 4:30 p.m., Monday through Friday during regular business hours, with the exception of recognized City holidays. Public records must be made available for inspection as promptly as reasonably possible and overall 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; the necessity for any legal review and/or redaction of the records requested, and the availability of the Department custodian.

## **Section 2.4**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records, depending on the volume requested and other pending requests before the City, should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, budgets, personnel rosters, and police and fire incident reports. 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 given availability of personnel.

All requests for public records must be acknowledged in writing or electronically by the City within three (3) business days following the office's receipt of the request. If a request is voluminous or will require research, the acknowledgment should include the following:

**Section 2.4(a)** – An estimated number of business days it will take to satisfy the request.

**Section 2.4(b)** – An estimated cost if copies are requested.

**Section 2.4(c)** – A preliminary indication that some items within the request may be exempt from disclosure.

### **Section 2.5**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

Any denial of public records requested must include an explanation, including legal authority supporting the exemption or denial. If portions of a record are public and other portions are exempt, the exempt portions are to be redacted and the remainder released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, and in writing if the initial request was made in writing. Examples of exempt records include, but are not limited to, social security numbers; certain medical information; certain law enforcement investigative records; and attorney-client privilege memos/documents. When in doubt, please consult with the City's Law Department regarding legal exemptions to public records disclosures.

### **Section 2.6**

Persons requesting copies of public records are not permitted to make their own copies of the requested records by any means. Original public records may not be removed from the City's facilities. In processing a request for inspection of a public record, a City employee must accompany the requester during inspection to make certain original records are not taken or altered.

## **Section 3. Fees for Public Records**

Those seeking public records maintained by the City will be charged only the actual cost of making copies as designated by the City. Advance payment may be required before any copies are prepared. Pursuant to Codified Ordinance Section 222.02, the Director of Finance has established the following fees for the reproduction of public records:

### **Section 3.1**

The charge for paper copies in either letter or legal size is 5 cents (\$.05) per page; but if the fee is paid by check, there will be no charge for fewer than five (5) pages.

### **Section 3.2**

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

### **Section 3.3**

The charge for oversized copies (such as maps, drawings, etc.) is \$2.00 per page.

### **Section 3.4**

There is no charge for documents transmitted electronically (e-mail; facsimile).

### **Section 3.5**

For video tapes, cassette tapes or any other type of media, the fee shall be \$5.00, or the actual reproduction (copying) cost, if a commercial service is utilized.

### **Section 3.6**

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies in addition to the per page charge or other applicable charge.

### **Section 3.7**

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the City determines that the record can reasonably be duplicated as an integral part of the City's normal operations.

### **Section 3.8**

Established fees/costs shall be clearly posted and available to the public.

## **Section 4. Electronic Records and 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 City office. E-mail is to be treated in the same manner as records in other formats, and should follow the same retention schedules.

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a Blackberry) are to be treated in the same fashion as records in other formats, such as paper or audiotape.

#### **Section 4.1**

While City e-mails should never be transmitted from personal e-mail accounts, to the extent they are, such records in private e-mail accounts used to conduct public business are subject to disclosure in the same manner as those in City e-mail accounts. Accordingly, all employees or representatives of the City are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the City's records custodian subject to applicable records retention schedules. However, any e-mails of a purely private nature would not constitute public records, such as making an arrangement to see a co-worker for lunch.

#### **Section 4.2**

City records custodians are to treat e-mails from whatever accounts, which pertain to the conduct of public business 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.

### **Section 5. Failure to respond to a public records request**

The City recognizes the serious 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 failure to comply with a request also may result, among other things, in a court ordering the City to comply with the law and to pay the requester's attorney's fees, court costs and damages.

### **Section 6. Grievances**

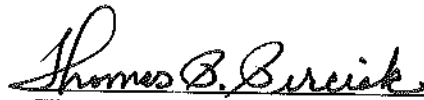
If a person allegedly is aggrieved due to the inability to inspect a public record or receive a copy, then the person shall be advised that he/she may contact the City's Law Director or pursue legal means for addressing their complaint as provided under Ohio Revised Code Section 149.43(C)(1)(2).

### **Section 7. Training and Education**

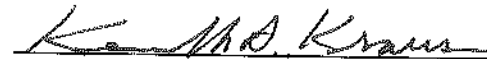
The City will continue to update and address all education, training, disclosure, and policy requirements mandated by the Ohio Revised Code.

**Section 8. Posting of this Policy**

Each City records custodian shall possess a copy of this City Records Policy, along with the applicable Schedules of Records Retention and Disposition. These documents shall be located at every City facility in which the public may access the City's records; and the City shall prominently display by posters a description of the City's public records policy at various buildings where the public may access the City's public records, including the administrative offices at the Strongsville Municipal Offices building located at 16099 Foltz Parkway, Strongsville, Ohio.

  
Thomas P. Perciak  
Mayor

*Approved for form:*

  
Kenneth A. Kraus  
Law Director

Date: February 24, 2011