

## **CITY OF FAIRLAWN PUBLIC RECORDS POLICY**

### **MISSION STATEMENT**

Openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the intent of the City of Fairlawn to fully comply with Ohio's Public Records Act, as set forth in Chapter 149 of the Ohio Revised Code. Should changes to the law occur that conflict with the provisions of this policy, the law will supersede this policy.

### **DEFINING PUBLIC RECORDS**

A "record" is defined to include the following: A document in any format - paper, electronic (including, but not limited to, business e-mail) - that is created, received by, or comes under the jurisdiction of the City of Fairlawn that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under federal law, state law or because of privilege or confidentiality requirements. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

### **RESPONSE TIMEFRAME**

Public records are to be available for inspection during regular business hours, which are 8:00 a.m. to 4:00 p.m. Monday through Friday with the exception of City holidays. Public records will 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, the necessity for any legal review and redaction of the records requested, and other facts and circumstances of the records requested.

### **HANDLING REQUESTS**

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

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(s). However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform a new analysis of existing information in the office's records. 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 features. Although not required by law, the office may generate new records when it determines that doing so makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain that original records are not taken or altered.

The most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) as a resource for keeping employees of the office and the

public educated as to the office’s obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

### **DENIAL OR REDACTION OF RECORDS**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office 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. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible.

The City reserves the right to withhold documents that are subject to recognized privileges and confidentiality requirements or are otherwise exempt from request for review by law.

### **COPYING AND MAILING COSTS**

Those seeking public records may be charged only the actual cost of making copies, not labor. **Below is a list of fees for copies of public records:**

#### **COPY FEE SCHEDULE**

<b>HARD COPIES:</b>		
8.5 x 11 8.5 x 14 11 x 17	Up to 20 copies Copy 21 and beyond	No Charge 5¢ each
Sizes larger than 11 x 17	Beginning with first copy	4¢ per square foot
<b>CD:</b>	Beginning with first CD	25¢ each
<b>DVD:</b>	Beginning with first DVD	\$1.00 each

In appropriate circumstances, the City may elect to outsource the copying work to a local establishment specializing in such work, with the actual charges for such copying to be paid by the requesting party.

A requester may be required to pay in advance for costs involved in providing the copies requested. 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 office determines that the record can reasonably be duplicated as an integral part of the City’s normal operations.

If a requester asks that documents be mailed, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for emailed documents.

### **MANAGING RECORDS**

City of Fairlawn records are subject to records retention schedules. The City’s current records retention schedules are available at the City of Fairlawn Law Department, located at 3487 South Smith Road, Fairlawn, Ohio 44333.

(Created by Ord. 2008-006 enacted 02/04/08; Amended by Ord. 2011-030 enacted 05/16/11; Amended by Ord. 2012-086 enacted 01/22/13; Amended by Ord. 2013-035 enacted 06/03/13; Amended by Ord. 2015-076 enacted 12/21/15)