

CITY OF FINDLAY PUBLIC RECORDS POLICY

Introduction:

It is the policy of all City of Findlay offices that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of all City of Findlay offices 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.

Section 1

Public records

The City of Findlay, in accordance with the Ohio Revised Code, defines records as including the following: Any document- paper, electronic (including, but not limited to, email), 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 of Findlay are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the City of Findlay 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 are to be updated regularly and made readily available upon request.

Section 2

Record requests

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

Section 2.1

All requests for the production of public records shall be directed to the City Clerk with the exception of those requests directed to the City Auditor and/or City Treasurer. The City Clerk shall scan all such requests filed with her and shall create a file to include the date the request was received and the date of first response, if any. Based upon the nature of the information requested, the administration shall forward the request to the appropriate department(s) and the City Clerk shall note the date such requests were forwarded thereto. If additional time is needed to satisfy the request, or if additional information is necessary in order to satisfy the request, the City Clerk shall be notified of same and she shall notify the requestor of same. Once the request is compiled, the Law Director shall provide any legal review required, if necessary, and shall so advise the City Clerk. Once any legal review is conducted, the request shall be forwarded to the requestor and the date of same shall be included in the appropriate request file.

Section 2.2

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 requestor of the manner in which the office keeps its records.

Section 2.3

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 this office's general policy that this information is not be requested.

Section 2.4

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.

Section 2.5

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, general salary information, forms and applications, invoices, 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.

All requests for public records must either be satisfied or be acknowledged in writing by the (public office) within three business days 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 acknowledgement must include the following:

Section 2.5a

An estimated number of business days it will take to satisfy the request.

Section 2.5b

An estimated cost if copies are requested.

Section 2.5c

Any items within the request that may be exempt from disclosure.

Section 2.6

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.

Section 3 Costs for Public Records

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

Section 3.1
The charge for paper copies is 10 cents per page.

Section 3.2
The charge for downloadable files to a CD or DVD is \$3.00 per disc. There is no charge if you provide your own digital storage device.

Section 3.3
There is no charge for documents e-mailed.

Section 3.4
Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies. Payment for the copies and mailing fees and supplies must be received before the request will be mailed.

Section 4 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.

Section 4.1
Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed adhere to the records retention schedule approved for this office.

Section 4.2
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.

Section 5 Failure to respond to a public records request

The City of Findlay 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 of Findlay's failure to comply with a request may result in a court ordering the City of Findlay to comply with the law and to pay the requester attorney's fees and damages.