

INTRODUCTION TO PUBLIC RECORDS

It is the policy of New Franklin that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of New Franklin 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.

PUBLIC RECORDS

Section 1.0 Definition

New Franklin, in accordance with the Ohio Revised Code, defines records as including 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 New Franklin are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1 Organization and Maintenance

It is the policy of New Franklin 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 to the public.

PUBLIC RECORDS REQUESTS & RESPONSES

Section 2.0 Evaluation of a Public Records Request

Each request for public records should be evaluated for a response using the guidelines set forth in this Section.

Section 2.1 Identification of Public Records Requested

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, a city representative shall 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 2.2 Method of Public Records Request and Identity of Requestor

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 New Franklin's general policy that this information is not to be requested.

In order to aid in the clarity of a public records request, New Franklin may, in accordance with Ohio Revised Code Section 149.43(B)(5), ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested if such information will benefit the requester by enhancing the ability of New Franklin to identify, locate, or deliver the public records sought by the requester. However, when making the request for additional information, New Franklin shall inform the requester that a written request, disclosure of the requester's identity, or the intended use of the information requested is not required to obtain the records requested.

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

Public records are to be available for inspection during regular business hours, with the exception of Saturdays, Sundays, and 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.

Requests made in person must be done during regular business hours which are defined as 8:30 a.m. to 4:30 p.m. weekdays, excluding Saturdays, Sundays, and published holidays. All public record requests made in person shall adhere to this requirement even if a city department is operated on a twenty-four (24) hour basis. Due to staffing issues, city departments operating on a twenty-four (24) hour basis may not have sufficient personnel to respond to requests for public records made in person outside of normal business hours.

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.

All requests for public records must either be satisfied or be acknowledged in writing by a public office within three business days following the office's receipt of the request. If a request will not be satisfied within three business days, the acknowledgement must include at least the following:

- A request for clarification (if necessary)
- An estimated cost if copies are requested.

Section 2.5 Denial of Public Records Requests

Any denial of public records requested must be in writing and shall 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.

COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS

Section 3.0 Charges for Copies and Postage

Those seeking public records from New Franklin shall be charged in accordance with the fees set forth in Resolution 08-R-14. It is the intent of that fee schedule, or any subsequent changes made by New Franklin Council, to charge only for the actual cost of making reproductions of public records. The cost is not intended to compensate New Franklin for the time used for gathering, reviewing, or physically copying the records.

Section 3.1 Payment for Public Records.

Payment for public records may be made by cash, check, or money order.

E-MAIL AS PUBLIC RECORDS

Section 4.0 Definition of E-mail as Public Records

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 Private E-mail Accounts Holding Public Records

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of New Franklin 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 New Franklin e-mail records custodian, if one has been designated.

Section 4.2 Duties of the Records Custodian in Managing Private Account E-mails

New Franklin 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.

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

Section 5. Legal and Non-Legal Consequences

New Franklin 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, failure to comply may also result in a court ordering New Franklin to comply with the law and to pay the requester's attorney's fees and damages.
