

PUBLIC RECORDS DISCLOSURE

It is the policy of the City of Rocky River that openness leads to a better informed citizenry, which leads to better government and better public policy. It is also the policy of the City of Rocky River 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. Records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules will be updated regularly.

PUBLIC RECORDS DEFINITION

The City, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic 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 Rocky River are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

RECORD REQUEST RESPONSE PROTOCOL

A public records request should be forwarded upon receipt to the appropriate department records custodian, with a copy sent to the Law Department for coordination and response. Each request for public records should be evaluated for a response using the following guidelines:

- a) 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.
- b) The City representative/records custodian may ask a requestor to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use.
- c) 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* and copies must be made available within a *reasonable* period of time. "*Prompt*" and "*reasonable*" take into account the volume of records requested; the effect on the daily operations of the office to gather the records; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
- d) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests of records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, budgets, forms and permits. 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 City within five 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:

- 1) An estimated number of business days it will take to satisfy the request
- 2) An estimated cost if copies are requested
- 3) Any items within the request that may be exempt from disclosure
- 4) Opportunity for the requester to make an appointment for a personal review of the category of records requested

e) 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.

COSTS FOR PUBLIC RECORDS

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

- a) The charge for paper copies of 5 cents per page.
- b) The charge for downloaded computer files to a compact disc is \$1 per disc.
- c) There is no charge for documents e-mailed.
- d) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

E-MAIL REQUESTS AND RESPONSE

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content is related 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.

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

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