



## **Cleveland City Council**

### **Public Records Policy**

**March 2016**

It is the mission and the policy of Cleveland City Council (Council) to at all times fully comply with and abide both the spirit and the letter of Ohio's Public Records Act.

#### DEFINING PUBLIC RECORDS

A "record" is defined to include the following: a document in any format – paper or electronic (including, but not limited to email) – that is created, received by, or comes under the jurisdiction of the Council and 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 Ohio or federal law. 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 generally available for inspection during the normal operating hours of the Council offices, usually 8:30 a.m. – 4:30 p.m., Monday through Friday. 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested. Each request will be evaluated for an estimated length of time required to gather the records. Most routine requests for records should be satisfied immediately if feasible to do so. Routine requests may include, but are not limited to, meeting minutes, salary information, and personnel rosters. If a limited number of copies are requested, or if the records are readily available in electronic format that may be emailed or downloaded easily, these records should be made as quickly as possible.

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

In processing the request, the office does not have an obligation to create new records or perform a search or research for 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 the office's standard use of sorting, filtering, or querying features. In processing a request for inspection of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website ([www.ohioattorneygeneral.gov/YellowBook](http://www.ohioattorneygeneral.gov/YellowBook)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and Personal Information Systems Act.

#### ELECTRONIC RECORDS

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

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

#### DENIAL AND 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 then 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.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). 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 must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

### COPYING AND MAILING COSTS

Council may charge for the actual cost of making copies of records. Council's current costs are as follows:

- Paper copy: 5 cents per page
- DVD: \$1.00 each
- Compact Disk: \$2.50 each
- Audio tape: \$2.00 each
- Video tape: \$2.50 each
- Photos: \$1.00 per 5x7 photograph, \$2.00 per 8x10 photograph
- If an outside duplication service is requested, all charges from the outside duplication service will be passed on to requestor.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on 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 office's normal operations. If a requester asks that documents be delivered to them, 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 e-mailed documents.

### MANAGING RECORDS

Council's records are subject to records retention schedules. The office's current schedules are available at [www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org) or from the office of the Clerk of Council, room 216, Cleveland City Hall. These locations are readily available to the public as required by Ohio Revised Code §149.43(B)(2).