

AMBERLEY VILLAGE PUBLIC RECORDS POLICY

Introduction

It is the policy of the Amberley Village Council that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Amberley Village Council to adhere to the state's Public Records Act. Any denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation will also be in writing. Amberley Village reserves the right to amend this Policy from time to time, as required, to keep pace with revisions to the Ohio Public Records Law.

Article I Definitions and General Administrative Requirements

Section 1.01 Definition of Public Record

Amberley Village, Hamilton County, Ohio, in accordance with the Ohio Revised Code, defines the term "Public Record" as including the following: any document - paper, electronic (including, but not limited to, e-mail), or other format - that it 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 Amberley Village agencies. All records of Amberley Village are public unless they are otherwise specifically exempt from disclosure, as enumerated within the Ohio Revised code.

Section 1.02 Records Retention & Organization.

It is the policy of Amberley Village that all records subject to disclosure, including e-mail, as required by Ohio law, will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and shall be posted within the administrative offices of all Amberley Village agencies.

Article II. Processing Requests for Public Records

Each request for public records should be evaluated for a response using the following guidelines established within this section of the *Amberley Village Public Records Policy*. All requests shall be forwarded to the Amberley Village Fiscal Officer, Amberley Village Administrative Office, Village Manager or such other person designated from time to time by the Village Manager to be responsible for Public Records requests.

Section 2.01 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 designated employee(s) or agents of Amberley Village to identify, retrieve, and review the records. If it is not clear what records are being sought, the Village will contact the requester for clarification, and will assist the requester in revising the request by informing the requester of the manner in which the Village keeps its records.

Section 2.02 Transmittal of Request to Agency - No Identification Required

The requester shall not be required to put a records request in writing, and shall not be required to provide his or her identity or the intended use of the requested public record. However, in certain instances, individuals requesting public records may voluntarily provide his/her identity and/or contact information in order to assist Amberley Village staff in complying with the public records request.

Section 2.03 Inspection & Processing of Records Request

Public records shall be made available for inspection during regular business hours at the offices of Amberley Village, with the exception of published holidays. Public records shall be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of record requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.04 Responding to Public Records Requests

Each request for public records will be evaluated for an estimated length of time required to gather the records requested. Routine requests for records will be satisfied immediately, if feasible. Routine requests include, but are not limited to, meeting minutes, 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 readily electronically copied, or downloaded easily by the requester, the aforementioned files, copies, or data will be made as quickly as Village technology allows. All requests for public records to Amberley Village will either be satisfied or be acknowledged in writing by the Village within three (3) business days following the receipt of the request. If a request is deemed to be beyond the scope of daily activities, such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment shall include the following information:

- A. An estimated number of business days it will take to satisfy the request
- B. An estimated cost if copies are requested

Section 2.05 Denial or Redaction of Public Records

Any denial of public records requested will include an explanation, including legal authority for such denial. If portions of a record are public and portions are exempt as established within the Ohio Revised Code, the exempt portions will be redacted and the remainder of the document released to the requesting party. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority for said redaction(s). In every instance, Amberley Village staff shall seek an opinion from the Amberley Village Law Director prior to finalizing any redaction to any requested records, or prior to denying a request for public records.

Article III Transmittal & Recovery of Costs

Section 3.01 Costs for Public Records - General Procedures

Those seeking public records will be charged only the cost of making copies incurred by Amberley Village in the process of fulfilling a specific public records request. An invoice outlining the actual costs incurred for each item shall be prepared for the requester. Amberley Village staff shall issue a receipt of payment for the requested public records to the requester. Requested records will not be released until such time that payment for all copies and transmittal charges is received for such request in full from the requester.

Section 3.02 Paper Copies

- The charge for 8.5"x 11" paper copies shall be \$0.15 per page
- The charge for 8.5"x 14" paper copies shall be \$0.15 per page
- The charge for 11" x 17" paper copies shall be \$0.15 per page
- The charge for oversized plans, prints, or other documents shall be \$5.00 per sheet
- The charge for outsourced plans, prints or other documents shall be the actual costs incurred by the Village as invoiced by the designated third-party vendor

Section 3.03 Electronic Copies, Audio Recordings, & Digital Media

- The charge for downloaded computer files to a compact disc shall be \$2.00 per disc
- The charge for DVD recordings of public meetings shall be \$5.00 per disc
- The charge for audio cassette recordings of public meetings shall be \$2.00 per cassette tape

Section 3.04 Transmittal via Regular Mail or Courier Service

Requesters may ask that documents be mailed to them or delivered to them via courier service. Requesters shall be charged the actual cost of the postage and mailing supplies, or the actual cost of effecting delivery via the designated courier service.

Article IV. Electronic Message (EMAIL) Records

Documents in electronic mail format may be public 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 as other public records.

Section 4.01 Email Records - General Provisions

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 to retain their e-mails that relate to public business in accordance with Article I of this document. Records in private email accounts shall be periodically copied to their business e-mail accounts and/or to designated email archives as determined by the office's records custodian.

Section 4.02 Retention of Email Records

The records custodian of each Amberley Village agency shall treat the e-mails referenced in Section 4.01 of this Article 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, as amended.