

City of Norwalk, Ohio
PUBLIC RECORDS POLICY

I. PURPOSE: The purpose of the Public Records Policy of the City of Norwalk, Ohio is to implement the policy that *public* records are the *people's* records. The City is simply the custodian of those records. It is the stated public records policy of the City of Norwalk to promptly respond to all requests for public records, to make available for inspection all responsive records within a reasonable period of time during normal business hours, and to otherwise fully comply with the Ohio Public Records Act.

II. SCOPE: This policy is applicable to all public records held by the City of Norwalk, Ohio, and any of its offices and departments. All public records shall be maintained and organized in a manner that makes them readily available for inspection and copying, subject to record retention schedules.

III. DEFINITIONS: For the purposes of this Policy, the following words or phrases have the meanings indicated:

- A. **City** means the City of Norwalk, Ohio, and its offices and departments.
- B. **Public Records** mean records kept by the City which serve to document the organization, functions, policies, decision procedures, operations or other activities of the City, regardless of the form or medium in or upon which the records is received, created or stored. "Public records" do not include those records excluded from the definition of "public record" pursuant to Revised Code Section 149.43(A)(1).
- C. **Business Hours** means 08:00 am to 04:30 pm Monday through Friday but does not include holidays or others days on which City offices are closed and the City does not conduct business.

IV. Requests: Requests for public records may be made at the following locations for the records related to that department:

- 1. **Police:** Norwalk Police Department, 37 N. Linwood, Norwalk, Ohio 44857, fax – (419) 668-0345
- 2. **Fire:** 42 Whittlesey, Norwalk, Ohio 44857, fax – (419) 668-2870
firechief@norwalkoh.com
- 3. **Law Department:** 38 Whittlesey, Second Floor, fax – (419) 663-6701, legalasst@norwalkoh.com
- 4. **All Other:** Norwalk City Hall, 38 Whittlesey Avenue, fax – (419) 668-6788, cityofnorwalk@norwalkoh.com

Requests for public records shall be evaluated on an individual basis upon the following guidelines. No specific language is required to make a request. However, the requestor must at least supply sufficient information with sufficient

clarity to allow the City to 1) understand that a request has been made, and 2) identify, retrieve and review the requested records.

While requests for public records do not have to be in writing and the requestor does not have to disclose his or her identity, address or intended use of the documents, requests for public records should normally be made upon the **“Public Record Request Form”** available at the locations listed above. The use of the Public Records Request Form is designed to benefit the requestor by enhancing the City’s ability to identify, locate and deliver the records sought by the requestor. However, use of the Public Records Request Form is not mandatory. A requestor may decline to utilize the Public Records Request Form and may make the request orally, otherwise in writing or electronically. If the Public Records Request Form is used, the requestor may decline to provide the requestor’s identity or the intended use of the requested documents.

Requests may be made in person, in writing, by fax or by e-mail and may be made anonymously. However, subject to the limitations set forth below, requests for records which request that the records be returned by means other than in person directly to the requestor must supply sufficient information in order that compliance with the response may be made. Written requests are not mandatory but they may aid the City in responding to the request and providing the requested documents in a more timely fashion.

If the City receives a request for public records which is ambiguous or overly broad, or in which the requestor has difficulty making the request, the City shall provide the requestor with the opportunity of revising the request and shall inform the requestor of the manner in which public records are maintained by the office and ordinarily accessed.

The City may inquire as to the requestor’s name, address and intended use of the requested public records, but only insofar as is necessary to comply with the request to mail or otherwise provide the records or to aid the requestor in clarifying or formulating the request. Such inquiry may be made only after the requestor has been advised that providing such information is not mandatory and that the requestor may decline to provide the same.

Requested records will normally be provided in the form and medium in which they are maintained by the City, i.e. paper, electronic. The requestor may choose to have the public record reproduced upon the same medium in which it is kept by the City or on paper if the records can be reasonably duplicated. Public records may be available upon other mediums upon which the record can be reasonable duplicated. Reasonably duplicated means as a part of the normal operations of the office which maintains the records.

Requests for public records received from persons incarcerated pursuant to a criminal conviction or a juvenile adjudication must be accompanied by written permission from the court or judge who sentenced the requestor.

Requests for copies of public records to be sent through the mail are limited to 10 requests per month, unless the requestor certifies in writing that the requestor does not intend to use or forward the record or records for commercial purposes.

V. Costs. Photocopies (paper) of public records will be provided at cost. Photocopies up to the size of 8½ x 13 will be provided at the rate of 10 cents per photocopy page after the first ten (10) pages. Double sided pages shall count as two pages.

Original documents in excess of 8½ x 13 in size shall be considered as large format documents. Large format black and white copies will be provided at the cost of \$1.25 per copy. Large format color copies will be provided at the cost of \$3.00 per copy.

Records maintained electronically will be provided on an appropriate medium as follows:

CD	\$1.00 per disk
DVD	\$2.00 per disk
Cassette Tape	\$1.00 per tape

Requests accompanied by blank Tapes, CDs or DVDs will be provided at no charge.

Mailing costs will be assessed at actual cost to the City.

Requests seeking transmission through the Internet will be provided at no cost where such transmission is feasible.

All costs associated with providing copies of public records must be paid in advance before the copies will be released.

There is no charge to inspect public records at the specific City buildings listed above.

VI. Response Time. The City shall respond to each request for public records promptly and within a reasonable period of time. “Prompt” and “reasonable” take into account the character of the request including, but not limited to such factors as the volume of records requested, the time of day and week the request is received, the proximity of the location where the records are stored, the type of request (inspection or copies), the medium upon which the records are retained, and the need for legal review of the requested records.

The City will respond to requests to only view public records in accordance with the above policy, making the requested public records available for inspection at the City locations listed above during regular business hours, only.

Requests for routine records shall be responded to immediately, if feasible to do so subject to normal business hours and capacity of equipment. All requests shall be acknowledged in writing within three business days following receipt. If the request is voluminous or will require response or will require legal review, the acknowledgment shall include the estimated number of business days it will take to respond to the request and an estimated cost of copies, if requested.

VII. Denial. If a request for public records is not fulfilled, the requestor shall be informed of the reason therefore which may include, but not be limited to, the requested document does not exist, no document meets the parameters of the request, the item requested is not a public record as defined by law, the requested documents or parts thereof is exempt from release as a matter of law. In the event a request or any part thereof is denied the requestor shall be provided an explanation for the denial including the legal authority therefore.

VIII. Failure to Respond. The City recognizes the legal and non-legal consequences of failure to properly respond to a public records request. These include, but are not limited to court ordered compliance together with an award of attorney fees, costs and damages.

Adopted: September 24, 2007

Amended: May 31, 2012

Amended: March 21, 2013