

CITY OF BRUNSWICK, OHIO
POLICY NO. 9.4
(Formerly 9.1)

Title: Public Records Policy
Dated: October 8, 2007
Revised: March 10, 2008

Introduction

It is the policy of the City of Brunswick (the City) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City 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.

1.0 Public Records

_____The City, 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 the city are public unless they are specifically exempt from disclosure under the Ohio Revised Code. Under certain circumstances, records are not defined as "public records" under Ohio law.

It is the policy of the City 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 posted prominently at each City location.

2.0 Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

2.1 All public requests must be forwarded to the Law Department for their review and response prior to the release of records.

2.2 All Departments must keep a log of records requests indicating who made the request; the date of the request; the records requested; and the date the records request was honored.

2.3 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 record(s) 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.

2.4 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 the City's general policy that this information is not to be requested.

2.5 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. Copies of public records must be made available within and for a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the time of day the request is received; the proximity of the location where the records are stored; any inquiries to clarify the subject or scope of request; the City's need for access and/or use of some or all of the requested records; and the necessity for any legal review of the request and/or the records requested.

2.6 Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. 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 twenty (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. (If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.)

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the City within three (3) 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 acknowledgment must include the following:

- A. An estimated number of business days it will take to satisfy the request.
- B. An estimated cost if copies are requested.
- C. Any items within the request that may be exempt from disclosure.

2.7 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, in writing, including legal authority.

3.0 Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies without taking into account employee time spent preparing and making the copies.

3.1 The charge for reproduction of documents shall be the same as listed in Brunswick Codified Code Section 222.04.

4.0 E-Mail

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.

5.0 Failure to Respond to a Public Records Request

The City 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, the 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.

6.0 Effective Date of Program

October 8, 2007

7.0 Revisions

March 10, 2008

Robert A. Zienkowski, City Manager/Safety Director