

CITY OF MENTOR
POLICY MEMORANDUM

SUBJECT: Public Records

POLICY NO: 1.19
DATE: December 3, 2007
PROPOSED: Anthony J. Zampedro

DISTRIBUTION: All Departments

APPROVED: _____
City Manager

Introduction:

It is the policy of the City of Mentor that openness leads to a better informed citizenry, which leads to better government and better public policy. Accordingly it is the policy of the City of Mentor to strictly adhere to the state's Public Records Act.

Section 1. Public records

This City of Mentor, 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 of Mentor are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

As required by Ohio law, records will be organized and maintained so that they are readily available for inspection or copying. Record retention schedules are to be updated regularly and posted prominently.

Section 2. Record requests

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

Section 2.1

Although no specific language is required to make a request, the requestor 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 requestor 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.

Section 2.2

Unless it is voluntary, the requestor 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.

Section 2.3

Public records are to be available for inspection during regular business office 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 a reasonable period of time. "Prompt" and "reasonable" take into account, among other things, the volume of records requested; the proximity of the location where the records are stored; and the necessity for any City legal review of the records requested.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records shall be handled as expeditiously as possible.

If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, an acknowledgment must be provided and include the following:

Section 2.4a

An estimated number of business days it will take to satisfy the request.

Section 2.4b

An estimated cost if copies are requested.

Section 2.4c

Any items within the request that may be exempt from disclosure.

Section 2.5

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.

Section 3. Costs for Public Records

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

Section 3.1

The charge for paper copies is 5 cents per page.

Section 3.2

The charge for downloaded computer files to a compact disc is \$1 per disc.

Section 3.3

There is no charge for documents e-mailed.

Section 3.4

Requestors may ask that documents be mailed to them. They will be charged in advance the actual cost of the postage and mailing supplies.

Section 4. 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.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the City of Mentor are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the office's records custodian.

Section 4.2

The records custodian is to treat the e-mails from private accounts 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.

Section 5.

Any employee who has questions or concerns relative to properly responding to a public records request shall immediately seek the assistance of the Department's chief records custodian. Should such question or concern remain unresolved, it shall be brought to the immediate attention of the Department Director for resolution.