Office of the City Manager

ADMINISTRATIVE REGULATION 5.4

Subject: **Public Records**

Section 1. Introduction

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

Section 2. Authority

a. The authority for this regulation is based upon the provisions of Chapter 131 *City Manager* of the Codified Ordinances of the City of Worthington.

Section 3. Public Records

a. The City of Worthington, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, email), 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 this office are public unless they are specifically exempt from disclosure under the law.

Section 4. Policy

a. It is the policy of the City of Worthington that, as required by Ohio law, records will be organized and maintained so that they are readily

available for inspection and copying. Record retention schedules are to be updated regularly.

Section 5. Record Requests

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

i. 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 it records.

ii. 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. 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 requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate or deliver the public records that have been requested; **and** (2) after telling the requestor that a written request is not required and that the requestor may decline to reveal the requestor's identity or intended use.

iii. In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering or querying. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

iv. In processing a request for inspection of a public record, an office employee must accompany the requestor during inspection to make certain original records are not taken or altered.

Section 6. Availability and Timeframe for Response

a. 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 a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where records are stored; and the necessity for any legal review of the records requested.

b. 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 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made as quickly as the equipment allows. If more copies are requested, an appointment may be made with the requestor for when the records can be gathered and the copies or computer files can be picked up. Within three business days following the receipt of a public records request, the office will endeavor to either satisfy the request or acknowledge the request in writing. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement will include the following:

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

Section 7. Denial or Redaction of Records

a. If the requestor makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requestor an opportunity to revise the request by informing the requestor of the manner in which records are maintained and accessed by the office. Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing.

b. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 8. Costs for Public Records

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

i. Paper Format Size: 8½" x 11", 8½" x 14" or 11" x 17"

There is no charge for paper records of this size if the records provided in response to a public records request total less than 25 pages. The charge for records totaling 25 pages or more is as follows:

Black & White Copies	$0.05 per page
Color Copies	$0.10 per page

ii. Paper Format Size: Larger than can be made on a standard copy machine

Black & White Copies	$0.50 per page
Color Copies	$3.00 per page

iii. Documents on Compact Disc - $1 per disc.

iv. Emailed Documents – No charge

b. The cost may be waived if the records are provided in paper format or on compact disc for the convenience of the department providing the record.

c. Requestors may ask that paper documents or documents on compact disc be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

d. A requestor may be required to pay in advance for costs involved in providing the copy. The requestor may choose whether to have the record duplicated upon paper, upon the same medium in 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.

Section 9. Managing Records

a. City of Worthington records are subject to records retention schedules, which have been approved by the City's Records Commission, the Ohio Historical Society and the Ohio Auditor of State. Any disposal of records by the City must be consistent with the approved records retention schedules. Certain records identified on the records retention schedules must receive specific authorization by the Ohio Historical Society and the Ohio Auditor of State at the time of disposal. The City's current records retention schedules are available at the City Clerk's Office in the Worthington Municipal Building, 6550 N. High Street, Worthington, Ohio.

Section 10. Effective Date

This Administrative Regulation shall be effective one and after July 22, 2013.

Matt H. Greeson
City Manager