

JUDITH MITTEN
Mayor



Phone: (330) 263-5245
Fax: (330) 263-5247
Cell: (330) 749-5894
Email: mayor@woosteroh.com

OFFICE OF THE MAYOR
CITY OF WOOSTER
538 N. Market St., P.O. Box 1128
Wooster, Ohio 44691-7082

PUBLIC RECORDS POLICY

Introduction:

It is the policy of the city of Wooster that openness leads to a better informed citizenry, which leads to better government and better public policy. It is also our policy 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 1. Public records

In accordance with the Ohio law, we acknowledge the definition of "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, and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the city of Wooster are public unless they are exempt from disclosure under the Ohio Revised Code.

Section 1.1

In accordance with Ohio law, it is the policy of the city of Wooster that 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 regularly updated.

Section 2. Record requests

All requests for public records, whether from members of the public or from city employees, must first be communicated to the department or division manager, who will be responsible for responding to the request. Employees, merely because they may have ready access to such records, are not permitted to help themselves to such records, but must make their request through the department or division manager.

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 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 records 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.

Section 2.2

The requester does not have to put a records request in writing, and does not have to identify him/herself or the intended use of the requested public record. However, the records custodian may ask for a written request and may ask for the requestor's identity and/or intended use of the information requested if (1) it would benefit the requestor by helping the public office identify, locate or deliver the records being sought, and (2) the requestor is informed that a written request and the requestor's identity and intended use of the information requested are not required.

Section 2.3

Public records are to be available for inspection Monday through Friday during regular business hours (usually, from 8 a.m. to 5 p.m.), with the exception of published holidays. Public records must be promptly made available for inspection. 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 the records are stored; and the necessity for any 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 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, 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 e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must be acknowledged in writing by the (public office) within three (3) business days following the office's receipt of the request. If a request is voluminous or will require research, the acknowledgement must 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 requests that are made concerning personal information about a city employee are to be forwarded to the human resources manager, who will be responsible for responding to the request.

Section 2.6

Any denial of a public records request 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 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

Requesters may ask that documents be mailed to them. They will be charged 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 manner 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 this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to that of 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. Failure to respond to a public records request

The city of Wooster 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 engender, 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's attorney's fees, court costs and damages.

Issued on: September 25, 2007 

PUBLIC RECORDS REQUEST

(PLEASE READ ENTIRE FORM BEFORE COMPLETING)

Your Name

Date of your request

Your Address

Your Telephone Number

In order to assist us in responding promptly to your request, please describe in the space below the record(s) you are seeking. If you are seeking a record about a specific employee (past or present), please identify by name.

Your signature (Optional)

NOTICE

In accordance with ORC §149.43, your public records request will be promptly prepared and made available for your inspection at the earliest possible time,. If the record is not available in the office where this request is made, we will forward your request to the appropriate office for retrieval, and we will use the information provided above to notify you when the record is available.

If you wish to have copies made and/or have the record mailed to you, there may be a nominal charge, as provided by law, for copying and postage.

Finally, we recognize that you cannot be compelled to complete this form as a condition to obtaining public records. However, your completion of this form will assist us in identifying the existence of relevant records and promptly notifying you of their availability. It will also provide you with a record of your request, as well as the date thereof. Nonetheless, if you prefer not to complete this form, we will still make every effort to respond to your request as provided by law.

(Original to be kept with the office to which the request is directed. Copies to person making the request; to Human Resources; to individual(s) concerned, if different from person making request; and to Mayor and Law Director)