

VILLAGE OF NEW MADISON PUBLIC RECORDS POLICY

INTRODUCTION

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Village of New Madison to at all times fully comply with and abide by both the spirit and the letter Ohio's Public Records Act.

SECTION ONE: PUBLIC RECORDS

Section 1.1 Definition

The Village of New Madison, in accordance with the Ohio Revised Code, defines public records to include the following: any document – paper, electronic (including, but not limited to electronic mail), or any other format – that is created or received by, or comes under the jurisdiction of the Village of New Madison that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Village of New Madison. All records of the Village of New Madison are public unless such records are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.2 Organization and Maintenance

It is the policy of the Village of New Madison that, as required by Ohio Law, public records will be organized and maintained so that such records are readily available for inspection and copying. Record retention schedules are to be updated regularly, and shall be available at the Village municipal office, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

SECTION TWO: PUBLIC RECORD REQUESTS AND RESPONSES

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

Section 2.1 Identification of Public Records Request

Although no specific language is required to make a request for public records, the requester must at least identify the records requested with sufficient clarity to allow the Village 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 requester in revising the request by informing the requester of the manner in which the Village keeps its records.

Section 2.2 Method of Public Records Request and Identity of Requestor

The requestor does not have to put a public records request in writing, and does not have to provide his or her identity or the intended use of the requested public record(s). The general

policy of the Village is that this information is not to be requested. However, the law does permit the Village 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 ability of the Village 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 the requester may decline to reveal the requestor's identity or intended use.

Section 2.3 Availability of Public Records for Inspection and Production of Copies

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 the records are stored, and the necessity for any legal review of the records requested.

In processing a request, the Village 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 features. Although not required by law, the Village may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

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

Section 2.4 Time Constraints for Satisfying Public Records Requests

Each request should be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. 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 records containing fewer than twenty (20) pages are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, those record requests should be satisfied as quickly as possible.

All requests for public records must either be satisfied or acknowledged in writing by the Village within three (3) business days following the receipt of the request. If a request will not be satisfied within three (3) business days, the acknowledgement must include the following:

- A request for clarification (if necessary);
- An estimated cost if copies are requested;
- An estimated number of business days it will take to satisfy the request; and
- Any items within the request that may be exempt from disclosure.

Section 2.5 Denial of Public Records Request

If the requester makes an ambiguous or overly broad request, or has difficulty in making a request such that the Village cannot reasonably identify what public records are being requested, the request may be denied, but the Village must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the Village.

If the Village withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the remainder of the record must be released. When making public records available for public inspection or copying, the Village shall notify the requester of any redaction or make the redaction plainly visible.

SECTION THREE: COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS

Section 3.1 Charges for Copies and Postage

Those seeking public records will be charged only the actual cost of making copies (not labor), as follows:

- The charge for paper copies is \$0.25 per page.
- The charge for electronic copies downloaded to a compact disc is \$2.00 per disc.
- There is no charge for e-mailed documents.

A requester may be required to pay in advance for costs involved in providing the copy.

Section 3.2 Choice of Medium

The requester 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 Village determines that the record can reasonably be duplicated as a part of the Village's normal operations.

Section 3.3 Mailing Costs

If a requester asks that documents be mailed, the requester will be charged the actual cost of the postage and mailing supplies.

SECTION FOUR: ELECTRONIC RECORDS

Section 4.1 Definition of Electronic Records as Public Records

Documents in electronic format are records as defined by the Ohio Revised Code when their content relates to the business of the Village. Electronic records are to be treated in the same fashion as records in other formats and should follow the same records retention schedules.

Section 4.2 Private Accounts or Personal Devices Holding Public Records

Public records transmitted to or from private accounts or personal devices used to conduct public business are subject to disclosure. All employees or representatives of the Village are instructed to retain their e-mail records and other electronic records that relate to public business and to copy such records to their Village accounts and/or to the Village's record custodian.

Section 4.3 Duties of the Records Custodian in Managing Private Accounts

The records custodian is to treat the e-mail records and other electronic records from private accounts that relate to public business of the Village as public records, filing such records in the appropriate way, retaining such records per established schedules, and making such records available for inspection and copying in accordance with the Public Records Act.