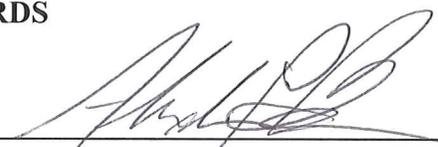


**CITY OF OAKWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES**

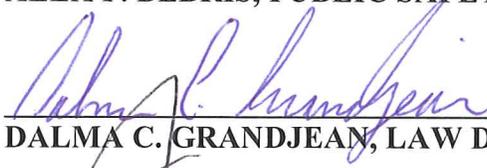
POLICY NO. 7
SUBJECT: PUBLIC RECORDS
DATE: MAY 14, 2008

RECOMMENDED BY:



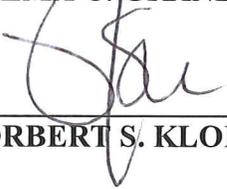
ALEX P. BEBRIS, PUBLIC SAFETY DIRECTOR

CONCURRED IN BY:



DALMA C. GRANDJEAN, LAW DIRECTOR

APPROVED BY:



NORBERT S. KLOPSCH, CITY MANAGER

POLICY: This policy is adopted to achieve compliance with R.C. 149.43(E)(1). The City of Oakwood acknowledges that it maintains many records that are used in the administration and operation of the City. In accordance with state law and the City of Oakwood Records Commission, the City has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received or sent under the jurisdiction of the City of Oakwood and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City – R.C. 149.011(G) and R.C. 149.43(A)(1). The records maintained by the City of Oakwood and the ability to access them are a means to provide trust between the public and the City.

I. Scope

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
 - 1. Each record custodian shall acknowledge receipt of a copy of the City of Oakwood's public records policy – R.C. 149.43(E)(2).
- B. The City of Oakwood's public records policy, as well as the City's Schedules of Records Retention and Disposition (RC-2) are maintained and available at every location in which the public may access the City's records.

- C. The City of Oakwood's public records policy is located in the City's employee policies and procedures manual. R.C. 149.43 (E)(2)
- D. The City of Oakwood displays a poster which generally describes the City's public records policy at every location in which the public may access the City's records. R.C. 149.43(E)(2).
- E. The City of Oakwood may, at its own discretion, elect to post the public records policy or a general description thereof on the City's web page. R.C. 149.43(E)(2).

II. Fees

- A. The City of Oakwood, in accordance with Section 149.43 of the Revised Code, has established fees for providing copies or reproductions of public records maintained by the City.
 - 1. Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.
 - 2. The cost for photocopies and for other media of duplication shall be the actual cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copies.
 - 3. For videotapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
 - 4. These costs and fees shall be reviewed annually by the Records Commission.
 - 5. Advanced payment is required before copies of any public records will be prepared. R.C. 149.43(B)(6).

III. Availability

A. Inspection

- 1. All public records maintained by the City of Oakwood as well as a copy of the City's current records retention schedules shall be promptly prepared and made available for inspection to any person during regular business hours— R.C. 149.43(B)(1). Promptness is to be determined by the facts and circumstances of each public records request. Regular business hours for the City are Monday through Friday (except holidays), from 8:00 a.m. to 5:00 p.m.
- 2. For the purpose of enhancing the ability of the City of Oakwood to identify, provide for prompt inspection, as well as provide copies of the requested items in a reasonable

period of time, the City shall provide the requestor with the attached Public Records Request Form.

- a. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 - b. Although the City of Oakwood may ask the requestor to make the request in writing, may ask the requestor's identity and may inquire about the intended use of the information requested, prior to asking a requestor to complete a Public Records Request form, the City shall advise the requestor that:
 - i. completion of the Public Records Request form is not mandatory and the requestor may decline.
 - ii. The requestor's refusal to complete the Public Records Request Form does not impair the requestor's right to inspect and/or receive copies of the public record – R.C. 149.43(B)(5).
 - c. Any person, including corporations, individuals and even governmental agencies may request public records and receive copies within a reasonable amount of time upon request.
3. In the event a request is made to inspect and/or obtain a copy of a record maintained by the City of Oakwood whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the City for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the City.
4. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by the City that may not be inspected or copied.
- a. Medical records.
 - b. Uncharged suspect information.
 - c. Confidential law enforcement investigatory records.
 - d. Social Security Numbers of any person.
 - e. Tax information.
 - f. Bureau of Worker's Compensation information.

- g. LEADS information.
- h. Pre-sentence investigation report.
- i. Expunged or sealed records.
- j. Records the release of which is prohibited by state or federal law.
- k. Information pertaining to recreational activities of children under 18.
- l. Residential or familial information pertaining to a peace officer, prosecuting attorney, youth services employee, firefighter, or EMT.
- m. Residential addresses of any city personnel.

B. Requests for public records

1. Upon receiving a written request for copies of a public record made in accordance with Section 149.43 of the Ohio Revised Code via the United States Postal Service, the City of Oakwood shall promptly respond to the request.
2. An authorized employee of the City of Oakwood shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records and, in addition, the fee shall also include the cost of postage and the envelope – R.C. 149.43(B)(6) and (7).
3. When practical, the City of Oakwood may forward copied records by any other means reasonably acceptable to the requestor.
 - a. If a person requests a copy of a public record, the City shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the City maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the City or the responsible City employee for the public record – R.C. 149.43(B)(6) and (7).
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means – R.C. 149.43(B)(6).
4. In accordance with Section 149.43(B)(7) of the Ohio Revised Code, the City of Oakwood limits the number of requested public records to be transmitted through the U.S. mail to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - a. “Commercial purposes” shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen

oversight or understanding of the operation or activities of government or non-profit educational research.

5. Authorized City of Oakwood employees shall comply with the following procedures upon receiving a valid public records request through the United States Postal Service.
 - a. City employees shall promptly process requests.
 - b. In addition to all other copying and/or reproduction fees, requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail. R.C. 149.43(B)(7).
6. Written or verbal requests for copies made by the public records requestor or their designee shall be processed in the same manner as mailed requests.

C. Response and denials

1. Requests for inspection and/or copies of public records which are not maintained by the City of Oakwood shall be processed in the following manner.
 - a. If the City receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing that one of the following applies:
 - i. Their request involves records that have never been maintained by the City of Oakwood.
 - ii. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable City of Oakwood Schedules of Record Retention and Disposition – RC-2.
 - iii. Their request involves a record that has been disposed of pursuant to an Application of the One Time Records Disposal – RC-1.
 - iv. If the record that is requested is not a record used or maintained by the City of Oakwood, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, the City is under no obligation to create records to meet public record requests.

D. Ambiguous or overly broad request for public records

1. The City shall inform the requestor of the manner in which records are maintained and accessed by the City in the ordinary course of business

2. The City shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are kept – R.C. 149.43(B)(2).
3. If the requester fails to revise the request, the City of Oakwood may deny the request.

E. Denial of a record maintained by the City of Oakwood

1. The City of Oakwood may deny a request for a record maintained by the City if:
 - a. The record that is requested is prohibited from release due to applicable state or federal law. R.C. 149.43(A)(1)(v).
 - i. Employees of the City shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - (a) Employees may inform the requestor that they are simply applying the statutory exclusion, otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the City shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing, then the explanation shall also be provided in writing.
 - b. The explanation shall not preclude the City of Oakwood from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

F. Redacting exempted records/procedure

1. “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of “record” in Section 149.011 of the Ohio Revised Code – R.C. 149.43(A)(11).
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction – R.C. 149.43(B)(1).
 - b. If a request is ultimately denied, in part or in whole, the City shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied – R.C. 149.43(B)(3).

2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the City shall make available all of the information within the public record that is not exempt.
3. When making that public record available for public inspection or copying that public record, the City shall notify the requestor of any redaction or make the redaction plainly visible – R.C. 149.43(B)(1).
4. The first reproduction page with the original redactions made by the employee is the “work sheet.” It shall be attached to the original record and maintained in accordance with the retention period established for the original document. There shall be no charge for any “work sheets” created.
5. The releasing employee shall then reproduce a copy of the page with the redactions. The resulting copy shall be the page that is released to the requestor.

G. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 - a. Contact the City Manager.
 - b. If the person is not satisfied after contacting the City Manager, they shall be advised that Ohio Revised Code Section 149.43 provides a legal means for addressing their complaint in these disputes – R.C. 149.43(C).

H. Training and Education

1. The City of Oakwood continues to update and address all education, training, disclosure and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1) and (2).

**CITY OF OAKWOOD
PUBLIC RECORDS REQUESTS
FEE SCHEDULE**

This fee schedule is prepared in accordance with Policy No. 7 of Oakwood's Administrative Policies and Procedures.

STANDARD OFFICE SIZES

PAPER - BLACK & WHITE

SIZE	MATERIAL COST	COPIER COST	TOTAL	CITY COST
8.5" x 11"	0.007398	0.008100	0.015498	\$ 0.02
8.5" x 14"	0.025280	0.008100	0.033380	\$ 0.04
11" x 17"	0.039080	0.008100	0.047180	\$ 0.05

PAPER - COLOR

SIZE	MATERIAL COST	COPIER COST	TOTAL	CITY COST
8.5" x 11"	0.007398	0.075000	0.082398	\$ 0.09
8.5" x 14"	0.025280	0.075000	0.100280	\$ 0.11
11" x 17"	0.039080	0.075000	0.114080	\$ 0.12

Note: Based on guidance provided by the Ohio Attorney General's Office, there is no charge on requests of 25 pages or less for copies on standard size paper. Requests of more than 25 pages will be billed at the rates indicated above for all copies made.

OTHER

CD-ROM

SIZE	CD-ROM	JEWEL CASE	TOTAL	CITY COST
700 MB	0.343200	0.299600	0.642800	\$ 0.65

SPECIAL LARGE SIZES

SIZE	MATERIAL COST	COPIER COST	TOTAL	CITY COST
12" X 18"			0.450000	\$ 0.45
18" X 24"			0.850000	\$ 0.85
24" x 36"			0.900000	\$ 0.90
30" x 48"			1.470000	\$ 1.47

Approval:



Signature, City Manager

10-26-09

Date