

Public Records Policy

I. Purpose

The City of Fairborn acknowledges that it maintains many records that are used in the administration and operation of the City. In accordance with State law, 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 and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City. The records maintained by the City and the ability to access them are means to provide trust between the public and the City.

II. Scope

The Clerk of Council is the official Public Records Custodian of all records which are centrally maintained by the City. Department heads are the official custodians of all records maintained within their departments. However, with the exception of police department records, all public records requests must be directed to the Public Records Custodian. Requests for records from the police department may be made directly to the police records custodian at police.records@fairbornoh.gov. Requests for records from the fire department may be made directly to the fire records custodian at fire@fairbornoh.gov. Public records requests will be accommodated during regular business hours between 8:00 a.m. and 4:30 p.m. on regular business days. Public records requests will not be accepted on weekends or holidays.

III. Inspection

All public records maintained by the City shall be promptly prepared and made available for inspection to any person during regular business hours. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review. The time for compliance with a request for public records will depend upon the availability of records and the volume of records requested.

A public records request may be made in writing or verbally. The Public Records Custodian may ask the requester to put a verbal request in writing, may ask for the requester to give identifying information, or may

inquire about the intended use of the information, but a written request is not mandatory, identifying information is not required and the intended use does not have to be disclosed. However, such would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate and deliver the public records requested.

Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

Request to view public records. The requester may make a request to view public records to the Public Records Custodian, who shall prepare the public records for inspection promptly, as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as the location of the records or the volume of records being requested).

Copies of public records. The requester may make a request to the Public Records Custodian to have copies of public records made.

Transmitting copies of public records. A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (Fed Ex, UPS, fax, e-mail). The cost of transmitting must be paid by the requester before the public records will be transmitted. While the City is under no obligation to provide records in electronic format, it is the policy of the City to provide information to the public in the most convenient way that is practical, considering all of the circumstances. Therefore, if the City receives a request for information to be made available in an electronic format, such request will be forwarded to the Public Records Custodian for a determination as to whether such information will be generated and released in an electronic format.

IV. Fees and Payment

Persons seeking public records will be charged only the actual cost of making copies or reproducing the records. Payment for public records requests must be made prior to the actual copying of the records.

Copies made on letter or legal-size paper are \$0.05 per page. If the Public Records Custodian uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be at cost, without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian's discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of the making of copies is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by reducing copy size or otherwise, may be met at the discretion of the Public Records Custodian.

V. Denial of a Public Records Request

Under certain circumstances, records are not defined as public records under Ohio law. In these situations, the public record request will be denied on that basis. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for non-written public records requests. 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, unless federal or state law authorized or requires the redaction.

The Ohio Revised Code regards certain actions as being denials of public record requests. These situations are handled as follows:

Redaction. The Ohio Revised Code defines a redaction as 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 a record in section 149.011 of the Revised Code.

Examples of redaction are blacking out or whiting out or cutting out portions of a document. When a public record contains information that is not within the definition of a public record as defined by law, the Public Records Custodian will make available that portion of the public record that does meet the definition of a public record. The Public Records Custodian shall make a copy of the public record, perform the redaction, then make a copy of that sheet and make the second copy available to the requester. The requester will not be charged for the first copy made. The first copy will be retained by the Public Records Custodian.

Requests that are ambiguous, overly broad, or difficult to identify. At times, a requester may make a public records request which may not be identifiable to the Public Records Custodian. In such circumstances, the Public Records Custodian will inform the requester that the public records request is denied but will give the requester an opportunity to more accurately describe the public records sought. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records

Custodian will inform the requester of the manner that the public records of the office under discussion are maintained and accessed. The requester may then submit a public records request that more accurately reflects the organization of the public records and the actual public records sought by the requester.

VI. Compliance

With any public records request, the Public Records Custodian reserves the right to consult with legal counsel prior to the release of such public records. This is to allow the City to comply with laws prohibiting the release of certain records.

VII. Failure to respond to a public records request The City 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 cause, 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 and possible statutory damages.