

Administrative Regulation 9.0 Public Records Policy

I. Purpose

The Municipality of West Milton maintains many records used in its administration and operations. In accordance with State law, the Municipality's Records Commission has adopted schedules of records retention and disposition that identify these records; this schedule is available in the Office of the Director of Public Service and Safety. The schedules list generally the types of records stored on a fixed medium (e.g. paper or computer), that are created, received, or sent under the jurisdiction of the Municipality. Typically, the records document the organization, functions, policies, decisions, procedures, operations, or other activities, and are maintained by the Municipality. The ability to access them is a means to provide trust between the public and the Municipality.

II. Custodian of Public Records

The Administrative Assistant for the Municipality of West Milton shall be the official Public Records Custodian of all records centrally maintained by the Municipality, and department heads shall be the official custodians of all records maintained within their departments. Public records requests may be made directly to department heads or through the Public Records Custodian. Requests for records from the Police Department must be made directly to the records clerk in the police department.

Requests will be accommodated during regular business hours when offices maintaining said records are open for business. Public records requests will not be accepted on weekends or holidays.

III. General Provisions

Section 1 - Public Records

Public records include the following: Any document – paper, electronic (including e-mail), or other format 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 the Municipality of West Milton are public unless specifically exempt from disclosure under the Ohio Revised Code or federal law.

Section 1.1

It is the policy of the Municipality of West Milton that records will be organized and maintained so that they are readily available for inspection and copying.

Section 2 - Record Requests

Each request for public records shall 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 identify records with sufficient clarity to allow the public office to identify, retrieve, and review them. If it is not clear what records are being sought, the Public Records Custodian shall contact the requesting party for clarification, and assist him/her in modifying the request to the degree necessary to achieve clarity.

Section 2.2

The Public Records Custodian may ask a requester to submit his/her request in writing, ask for identifying information, or inquire about the intended use of the information. However, a written request is not mandatory, identifying information is not required, and the intended use does not have to be disclosed. But providing such information would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate and deliver the records requested.

Public records can be accessed by one of the following methods:

- A request to view them in person;
- A request for copies which will be personally picked up from the Public Records Custodian; and
- A request for copies to be mailed or otherwise transmitted. Transmission may be via the U.S. Postal Service or any other means available conducive to transmitting public records. The cost of transmission must be paid by the requester prior to the records being provided. The Municipality is under no obligation to provide records in electronic format, but shall make every attempt to provide information in the most practical and convenient manner. The Municipal Manager shall determine whether such information shall be generated and released.

The records shall be made available for inspection promptly, or within a reasonable period of time. "Prompt" and "reasonable" take into account the volume requested, proximity to the storage site, and the necessity for possible legal review of the records requested.

Section 2.3

Requests shall be evaluated for an estimated length of time required to gather the records. Routine requests, which include, but are not limited to, meeting minutes, budgets, salary information, forms and applications, and personnel rosters, shall be satisfied as soon as feasible. If records are readily available in electronic format, e-mails or downloads should be made as quickly as equipment allows.

Section 2.4

All requests for records must be satisfied or acknowledged in writing by the Municipality within three business days following receipt of the request. For requests deemed significantly beyond "routine," i.e. requiring a voluminous number of copies or extensive research, the acknowledgement must include the following:

- An estimated number of business days it will take to satisfy the request.
- An estimated cost if copies are requested.
- Any item(s) within the request that may be exempt from disclosure.

Section 2.5

Denial of access to public records shall include an explanation disclosing legal authority for denial. If portions of a record are public and portions are exempt, the exempt portions shall be redacted and the rest released. Each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3 - Fees and Payment

Only the actual cost of making copies or printing pictures shall be charged to requesters; and the requesters shall pay all associated delivery and other supplies costs used in mailing, delivery or transmission. Payment for copying, delivering, and supply costs shall be paid prior to copying the records.

Copies made on letter or legal size paper shall be \$0.05 per page. If an outside vendor is used to make the copies, the requester shall be required to pay the cost billed by the vendor to the Municipality. The charge for downloaded computer files stored on Microsoft compliant storage devices to CD/DVD shall be \$1.00 per disc. Employee(s) time for preparing copies shall **not** be chargeable.

Public records shall be copied by the Public Records Custodian or other authorized officers, employees, or representatives, and under no circumstances shall the requester(s) be permitted to make the copies himself/herself. The manner of copying 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.

Ohio law may provide for specific fees to be charged for certain records (e.g. police accident reports \$4.00 each, with photographs at an additional cost, pursuant to R.C. §5502.12).

Section 4 - Denial of Public Record Request

Under certain circumstances, some records are not defined as "public records," and are exempt from disclosure under state or federal law. Under those circumstances requests will be denied, and a written explanation that includes the legal authority shall be provided.

However, denials for verbal requests shall not require a written response. If portions of a record are public and portions are exempt, the exempt portions shall be redacted, and the rest released. Each redaction shall be accompanied by a supporting explanation, including legal authority, unless federal or state law authorized or requires the redaction. (A partial list of "public" records which will be denied is attached as Addendum I).

- Redaction; when a public record contains information not within the definition of a "public record," the Public Records Custodian shall 1) make a copy of the public record, 2) perform the redaction, and 3) copy the redacted sheet. The redacted copy shall be made available to the requester. The requester will not be charged for the first copy made. If practical, the first copy will be retained by the Public Records Custodian.
- The Public Records Custodian shall deny all requests deemed ambiguous, overly broad, or make difficult to identify the public records being sought. However, the custodian shall assist in refining request to more accurately reflect the record(s) being sought.

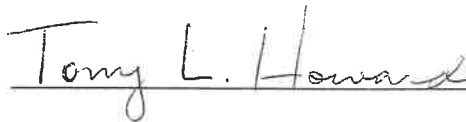
Section 5 - Compliance

To reduce the risk of non-compliance or improper compliance with public records laws, the Public Records Custodian reserves the right to consult with legal counsel prior to the release of public records.

Section 6 - Failure to Respond to a Public Records Request

The Municipality of West Milton recognizes the legal and non-legal consequences for failure to properly respond to public records requests.

Effective: December 21 , 2007



Tony L. Howard, Municipal Manager