CITY OF MEDINA
PUBLIC RECORDS POLICY

Introduction:

This Public Records Policy is adopted by the City of Medina as required by Ohio House Bill 9, effective December 26, 2007.

Section 1. Public Records Custodian.

All requests for public records must be directed to the authorized Public Records Custodians of the City. Requests made in person must be done during regular business hours defined herein as 8:30 a.m. to 4:30 p.m. (8:00 a.m. to 4:00 p.m. for the Police Department) weekdays, excluding Saturdays, Sundays, and holidays. All public record requests made in person shall adhere to this requirement even if the public office -- e.g., the Divisions of Fire or Police – is operated on a twenty-four (24) hour basis.

The Public Records Custodians shall be those persons designated by the Mayor who are authorized to respond to or to fulfill any public records request in the various offices of the City. Any public records request made to any other employee, officer or representative of the City shall not be considered as a properly made request, and the request will be directed to the proper Public Records Custodian. The Mayor may designate Acting Public Records Custodians to serve in the absence of the Public Records Custodians.

Section 2. Public Records.

For purposes of this Policy, the terms "records" and "public records" shall have the meanings set forth in Ohio Revised Code § 149, as amended from time to time.

Section 2.1

The records of the City will be organized and maintained so that they are readily available for inspection and copying. The City's record retention schedule may be amended from time to time at the discretion of the Records Commission.

Section 3. Public Record Requests.

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

Section 3.1

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. The Public Records Custodian may deny a request if the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Public Records Custodian cannot reasonably identify what public records are being requested. However, in such cases, the Public Records Custodian will provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired.

Section 3.2

A public record request may be made in writing or verbally, and the identity of the requester and/or the intended use of the information or documents requested need not be disclosed. However, the Public Records Custodian may ask that the request for public records be in writing, may ask for the requester's identity, and/or may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate, or deliver the public records sought, and if the Public Records Custodian informs the requester that a written request, disclosure of identity and/or intended use is not mandatory.

Section 3.3

Public records will be made available for inspection only during regular business hours as defined in Section 1, above. 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. 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.

Section 3.3(a) Request to Review 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 location of the records, the volume of records being requested or need for legal review).

Section 3.3(b) Copies of Public Records.

The requester may make a request to have copies of public records made to the Public Records Custodian. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the City, or upon any other medium if the City can reasonably duplicate it as an integral part of its normal operations.

Copies made on paper are 5¢ (five cents) per page. There shall be no charge if the number of copies requested is 20 or less in any given calendar month. Any person obtaining copies totaling over 20 in any calendar month shall be charged $1.00 plus 5¢ per page for any copies over the initial 20 copies. All copy charges must be paid in advance before copies are made. If the Public Records Custodian uses an outside copying service to make the copies (see the following paragraph), 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 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. The manner of making the 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.

Copies will be made available by the Public Records Custodian "within a reasonable time," as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records, the volume of records requested and the legitimate need for a legal review of the records.

Section 3.3c 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 (FedEx, UPS, fax, e-mail). (For example, public records that are only available in paper form will only be scanned and sent by e-mail or sent by fax at the sole discretion of the Records Custodian.) The cost of transmitting must be paid by the requester before the public records will be transmitted.

Copies will be transmitted to the requester by the Public Records Custodian "within a reasonable time," as required by the Ohio Revised Code. The time for compliance will depend upon the availability of the records, the volume of records requested and the legitimate need for a legal review of the records.

Section 3.3d Cost of Copies or Means of Transmitting Copies.

Charges for copies or for transmission of copies (U.S. mail, FedEx, UPS, etc.) can be paid for in cash, by credit card, or by check/money order/certified check made payable to "City of Medina." If payment is made by check, copies will not be made until the check has cleared and been paid by the requester's bank. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Custodian estimates to cover the cost of copies or means of transmission. If that amount is determined to be insufficient, the copies will

not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies or means of transmission, the excess will be repaid to the requester.

Section 4. Denial of Public Record Request.

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code,[1] each redaction must be accompanied by a supporting explanation, including legal authority.

Section 5. Records and Information Exempt from Disclosure.

Some records or information maintained by the City are not "public records" but are protected, confidential records under Ohio and/or Federal law. Examples of protected, confidential records, include, without limitation: infrastructure records,[2] security records, medical records, records pertaining to adoption, probation, and parole proceedings, records pertaining to actions and appeals under R.C. § 2151.85 (juveniles seeking abortions), records listed in § 3107.42 (A) (relating to adoption release records), trial preparation records, records and communications protected by R.C. § 2317.02(A) (records and communications by and between the City and its attorneys), confidential law enforcement investigatory records, records containing information that is confidential under R.C. § 4112.05 (Civil Rights Commission), DNA records per R.C. § 109.573, and records the release of which is prohibited by state or federal law.

In no event will records and communications by and between the City and its attorneys be released, unless the City consents to their release.

Section 6. Compliance with Ohio Revised Code Requirements.

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

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[1] Unless the redaction is otherwise required by federal or state law. [R.C. § 149.43(B)(1)]

[2] "Infrastructure record" is defined by R.C. § 149.433 as "any record that discloses the configuration of a public office's or chartered nonpublic school's critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office or chartered nonpublic school is located. "Infrastructure record" does not include "a simple floor plan that discloses only the spatial relationship of components of a public office or chartered nonpublic school or the building in which a public office or chartered nonpublic school is located." R.C. § 149.433.

Section 7.

This policy shall be placed in any City employee manual or handbook.

Effective Date: December 26, 2007

Jane Leaver //ss//
JANE LEAVER, Mayor