

VILLAGE OF BERLIN HEIGHTS PUBLIC RECORDS REQUEST POLICY

The records request policy establishes office procedures for responding to requests for public records. This policy supersedes any and all previously adopted records request policies.

MISSION STATEMENT

It is the policy of the Council of the Village of Berlin Heights, Ohio that openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Village of Berlin Heights to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act and Open Meetings Act.

DEFINING PUBLIC RECORDS

All records of the Village of Berlin Heights are public unless they are specifically exempt from disclosure under the Ohio Revised Code, federal law, or are a confidential attorney-client work product or communications. All records must be organized and maintained so that they are readily available for inspection and copying. Public records are defined to include the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the Village of Berlin Heights that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Village.

RESPONSE TIME FRAME

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; what is happening in the Village at the time the records are requested (i.e., preparing for a Council or Committee meeting, state audit, emergencies, etc.); and the necessity for any legal review of the records requested.

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budget, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows and as time allows.

All requests for public records must either be satisfied or be acknowledged in writing within three business days following the office's receipt of the request. If a request is made by a member of the media, the recipient of the request must notify the Mayor.

HANDLING REQUESTS

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 Village employee to whom the request is made, to identify, retrieve, and review the records. If it is not clear what records are being sought, the Village employee to whom the request was made, 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 employee keeps its records.

The requester 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. It is the Village's general policy that this information is not to be requested.

In processing the 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. In processing a request for inspection of a public record, a Village employee must accompany the requester during inspection to make certain original records are not taken from the premises or altered. If a request is for records that may be exempt or prohibited from disclosure, or if the request presents a high probability of litigation or any other unique issue, the recipient of the request must contact the Village Solicitor as the request is being processed. The Village Solicitor will assist in processing the request.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available to all elected officials and employees of the Village via the Ohio Attorney General's website for the purpose of keeping all elected officials and employees of the Village educated as to the Village's obligations under the public records law. In the event that there is a need for any questions or clarification of the Village's obligations under the public records law, the elected official or employee shall contact the Village Solicitor.

ELECTRONIC RECORDS

Documents in electronic mail format or sent via a hand-held communications device (such as a BlackBerry) are public records when their content relates to the business of the Village of Berlin Heights. E-mail and instant messages are to be treated in the same fashion as records in other formats.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all elected officials, employees or representatives of the Village are required to copy their e-mails that relate to public business to their business e-mail accounts or print hard copies of said e-mails, and retain them in accordance with applicable records retention schedules.

CONFIDENTIAL AND PRIVILEGED RECORDS

Any record that is deemed to be a confidential communication between an attorney and client or created in preparation for trial shall be clearly marked at the top of the first page and at the bottom of each following page with a notation indicating that the record is either "Confidential attorney-client communication" or "confidential attorney work product." If the record is in e-mail format, the notation should be included in the "subject" field.

All civil investigatory records and criminal law enforcement records shall be prominently stamped with a "Confidential" notation.

DENIAL OR REDACTION OF A REQUEST

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must 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.

Any denial of public records requested must include an explanation, including legal authority. 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 are to be redacted and the rest released. All redactions shall be plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor:

- The charge for paper copies is five (5) cents per page.
- The charge for downloaded computer files to a compact disc is \$1 per disc.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or any other medium on which the record can be duplicated.

If a requester asks that documents be mailed to them, they will be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.