

G. Public Records Policy

Purpose

The City of Pataskala acknowledges that it maintains many records that are used in the administration and operation of its office. In accordance with state law and the local Records Commission, the City of Pataskala 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 this office and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City of Pataskala. (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by this office and the ability to access them are a means to provide trust between the public and the City of Pataskala.

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. The Public Records Clerk shall be the designated City employee in charge of coordinating activities to address all public records requests in a timely and orderly manner.
- B. The City's public records policy, as well as, in Schedules of Records Retention and Disposition (RC-2) are located at every location in which the public may access the City's records;
- C. The public records policy is located in the City's policies and procedures manual;
- D. The City displays a poster which generally describes in public records policy at every location in which the public may access records.

Availability

- A. All public records maintained by the City shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the current records retention schedule(s). (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 a.m. to 4 p.m.

The City will provide access to review all public records request in a manner which is conducive to maintaining normal City operations as well as available City space within the applicable City building in relation to the records requested.

- B. For the purpose of enhancing our ability to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, we shall provide to the requester Form RC100 for the requester to complete.
1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review;
 2. Although we may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. The requests are not mandatory; and
 - b. The requestor's refusal to complete the Form RC100 does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
 3. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the City whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to our legal counsel 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 our office.
- D. 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 inspection.

A. Mailed 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 shall promptly respond to the request.
2. The Public Records Clerk 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)(7)).
3. When practical, the Public Records Clerk 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 Public Records Clerk shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which this office 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 office (R.C. 149.43(B)(6)(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 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 nonprofit educational research.
5. The Public Records Clerk shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
 - a. The Public Records Clerk shall promptly process requests.
 - b. Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.

- B. Requests for copies in any other manner (written or oral in person, telephone, e-mail, etc...) made by the public records requestor or their designee shall be processed in a similar manner as mailed requests.
 - 1. The requestor shall be provided prompt inspection and copies of the public records in a reasonable period of time.

Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by the City shall be processed in the following manner:
 - 1. If the City receives a request for a record that it does not maintain or the request is for a record which is not longer maintained, the requestor shall be so notified in writing utilizing Form RC 101 that one of the following applies:
 - a. Their request involves records that have never been maintained by the City;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2);
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal(RC-1);
 - 2. If the record that is requested is not a record used or maintained by the City, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the City is under no obligation to create records to meet public record requests.

B. Ambiguous or Overly Broad Request for Public Records

If a requestor makes an ambiguous or overly broad requests or have difficulty in making a request for copies or inspection of public records cannot reasonably identify what public records are being requested:

- 1. The request may be denied.

2. However, the City shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the City in the ordinary course of business (R.C.149.43(B)(2)).

C. Denial of a Record Maintained by the City of Pataskala

The City may deny request for a record is maintains if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees or the Public Records Clerk of the City shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees or the Public Records Clerk may check the appropriate the box on form RC101 if the are simply applying the statutory exclusion.
 - ii. 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, this office shall provide the requestor with an explanation, including legal authority, setting forth why 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 from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

D. 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 a "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 requester 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 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 requester of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
 4. The Public Records Clerk shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is related to the requester.
 5. The first reproduction page with the original redactions made by the Public Records Clerk 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.

Remedy

A. 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 Administrator.
 - b. If the person is not satisfied after contacting the City Administrator 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)(1)(2)).

V. Training and Education

The City of Pataskala 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)(2).