

Public Records Policy

It is the policy of the City of Riverside to make all public records available for public inspection by an person at reasonable times in accordance with ORC 149.43(B)(1), except as provided by the Public Records Act or by other laws.

Purpose

The primary purpose of this policy is to set forth a general procedure for providing City-wide, consistent, prompt and equitable service to citizens requesting access to public records. The Ohio Revised Code sets forth categories of documents to which the City shall allow public access and documents to which the City shall deny access. If a court finds that denial of access to the document was arbitrary and capricious, the court may order that the City pay the applicant's court costs and attorney's fees in an amount to be determined by the court. The secondary purpose of this policy is to establish reasonable and consistent fees for providing copies as authorized by the Act.

Definitions

Records: as defined by ORC 149.011 (G) includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Public Record: as defined by ORC 149.43 (A) means records kept by any public office, including, but not limited to state, county, city, village, township and school district units, and records pertaining to the delivery of educational services, by an alternative school in this state kept by the nonprofit or for profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code.

Scope

This policy shall apply to all City records and copies of information requested or released with the exception of records covered under Section 1479.43 (A) of the Ohio Revised Code.

Procedures

The City Manager 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. It is the responsibility of each department head to become familiar with and to educate his/her affected employees about the standards and requirements of this policy.

Public record requests will be accommodated during regular business hours between 8:00 a.m. and 5:00 p.m. on regular business days. Public records requests will not be accepted on weekends or holidays.

A public records request may be made in writing or verbally. The relevant Custodian may ask the requester to put a verbal request in writing, or for the requester to give identifying information, but neither a written request nor identifying information are required. However, such would benefit the requester by enhancing the ability of the City 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 request to view public records to the relevant Custodian, who shall prepare or cause to be prepared 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 the records being requested).

Copies of Public Records: The requester may make a request to have copies of public records made to the relevant Custodian. Copies made on paper are \$0.10 per page. All copy charges must be paid in advance before copies are made. 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 relevant Custodian or other authorized officers, employees or representatives. 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 relevant 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 relevant Custodian.

Copies will be made available by the relevant Custodian “within reasonable time”, as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.

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, email). 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 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.

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 records and the volume of records requested.

Payment

Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) can be paid for in cash or by check/money order/certified check, made payable to City of Riverside. 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 relevant 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. The Public Records Custodian has the authority to waive such fees and charges.

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.

The Ohio Revised Code regards certain actions as being “denials” of public record requests. These situations are handled in the following paragraphs.

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 relevant 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 relevant Custodian.

Requests that are ambiguous, overly broad, or are difficult to identify the public records requested: At times, a requester may make a public records request from which the relevant Custodian cannot determine what the public records the requester is seeking. 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 relevant, the Custodian will inform the requester of the manner that the public records of the officer 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.

Compliance

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

Exceptions/Change

This policy supersedes all previous policies covering the same or similar topics. Exceptions to this policy may be granted only by the City Manager. This policy may be reviewed and changed at any time.