

CITY OF CLEVELAND HEIGHTS PUBLIC RECORDS POLICY

MISSION STATEMENT

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 City of Cleveland Heights (hereafter referred to as the "City") to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act, Ohio Revised Code § 149.43.

DEFINING PUBLIC RECORDS

All records kept by the City are public unless they are exempt from disclosure under Ohio law. All public records are organized and maintained in such a way that they can be made available for inspection and copying. A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the City that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

RESPONSE TIMEFRAME

Public records are available for inspection during regular City Hall business hours, Monday through Friday, with the exception of published holidays. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" do not mean "immediately," but rather 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 and redaction of the records requested.

HANDLING REQUESTS

No specific language or form is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office will contact the requester for clarification and assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

The requester does not have to put a 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 this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been

requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

In processing the request, the office 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. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances. In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.

ELECTRONIC RECORDS

Electronic records, such as emails, are treated in the same fashion as records in other formats, such as paper or audio recordings. All employees, public officials, and representatives of the City are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

If document does not already exist in an electronic form, the office is not obligated to create an electronic version unless doing so was otherwise an integral part of the normal operations of the public office.

DENIAL OR REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a proper request for public records, the request may be denied. The denial will 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 office. Any denial of public records requested will be in writing and will include an explanation, including legal authority if required. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. Redactions will be accompanied by a written supporting explanation, including legal authority.

COPYING AND MAILING COSTS

Those seeking public records will be charged the actual cost of making copies, not including labor. The charge for black and white paper copies on standard sized paper is 5 cents per page. The charge for color copies on standard sized paper is 10 cents per page. The cost for copies on irregular sized paper, such as blueprints or plats, shall be the cost charged by a copy service to make such copies. The charge for electronic files downloaded to a compact disc is \$1.00 per disc. A requester will 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 upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations. If a requester asks that documents be mailed, he or she will be charged the actual cost of the postage and mailing supplies in advance. There is no charge for documents e-mailed, should the documents exist electronically.

MANAGING RECORDS

City records are subject to records retention schedules. The office's current schedules are available in the Law Department at City Hall, a location readily available to the public as required by Ohio Revised Code §149.43(B)(2).

Effective 8-12, 2014



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CITY OF CLEVELAND HEIGHTS