

City of Vandalia
RECORDS RELEASE POLICY
(As adopted September 17, 2007)

PURPOSE

The city of Vandalia acknowledges that it maintains, for public view, many documents and records. In accordance with the state law and the Records Commission for the City of Vandalia, a Record Retention Schedule has been established. This Records Retention Schedule lists all records and the period of time they are maintained. These records are maintained for the operation of City offices and to provide a source of information for the public we serve. It is the primary goal of the City that it serves the citizens of Vandalia in a manner of trust. These records, and the ability to have access to them, are a means to provide trust between the citizens and the City of Vandalia. The underlying purpose of the Vandalia Records Release Policy is to provide for full and prompt disclosure of public records and assure that City employees take all reasonable steps to comply with proper requests for public records.

DEFINITIONS

“Public Records” are documents, devices, or items 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 any public office of the state or its political subdivisions, which services to document the organization, function, policies, decisions, procedures, operations, or other activities of the office. Provided, however, they shall not include those items specifically excluded from the definition of Public Record under the Ohio Revised Code as amended from time to time.

MAINTAINING PUBLIC RECORDS

Public Records shall be organized and maintained in a manner which facilitates inspection and shall be retained pursuant the applicable record retention policy established by the City.

HANDLING REQUESTS

Public Records will be made available for inspection to any person at reasonable times during regular business hours. The regular business hours for the City Manager’s Office, Finance and Engineering & Inspection are from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays. The regular business hours for the Division of Police are 7:00 a.m. to 3:00 p.m. Monday through Friday, excluding legal holidays, and 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays for the Division of Fire. All request for Public Records shall be subject to Ohio Revised Code Section 149.43(B)(8) (dealing with requests by incarcerated persons).

Requests for Inspection. Upon request, all public records responsive to a request shall be promptly prepared and made available for inspection by the public office or person responsible for the public records at all reasonable times during regular business hours. The City may require that a City employee be present during the inspection but shall not deny an inspection if no employee is available.

Requests for Copying. Upon request, all public records responsive to a request shall be copied by a City employee and made available within a reasonable amount of time. A department within the City may establish its own policy for when it charges for copies provided the cost (if any) is limited to the cost of copying. Cost of copying is currently \$.05/per page for standard copies. Any required payment shall be made in advance.

Requests for Mailing. Upon request, all public records responsive to a request shall be compiled and shall be mailed to the Requestor within a reasonable time, provided the Requestor has provided the necessary mailing information. A department within the City may establish its own policy for charging for postage and copies provided the costs (if any) is limited to the actual cost of postage and cost of copying.

Requests for Video and Audio. Upon request, all public records responsive to a request shall be compiled in a reasonable time. Persons requesting copies of audio or video records are required to furnish blank recording tapes or discs, of sufficient quality, to allow reproduction of the requested material.

Requests for Photographs. Upon request, all public records responsive to a request shall be compiled in a reasonable time. Persons requesting photographs pursuant to this policy shall be charged only the actual cost incurred by the department for the reproduction of these photographs. Photographs of police officers, firefighters or EMTs that identifies their occupation shall not be disclosed.

Requests for Electronic Media. Upon request, all public records responsive to a request shall be compiled in a reasonable time. If any person chooses to obtain a copy of a public record that is in an electronic format, the City may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy. The Requestor may choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the City determines that it reasonably can be duplicated as an integral part of the normal operations of the City.

Request Form. Requests for public records may be written or oral. If a public records request is made orally and cannot be immediately fulfilled, then the person receiving the request will write down the request on a Request Form and read it back to the Requestor to make sure the request is accurate. If a

request is written, the date the request was received shall be indicated on a Request Form and the written request shall be attached to the Request Form. A Request Form need not be completed for standard and customary requests that are fulfilled at the time of the request. Standard and customary oral requests are request for a specific, readily accessible record which can be immediately fulfilled.

If the party receiving the request does not have the authority to respond to the request, or have custody of the requested documents, he or she shall obtain the necessary information to fulfill the request by completing a Request Form and shall forward the completed Request Form to the City Manager's Office. It is the policy of the City that all public records requests be responded to, as appropriate, in a reasonable amount of time given the nature of the request and the circumstances of the request.

If a Requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the employee taking the request or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the employee or the person responsible for the requested public record may deny the request but 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 public office and accessed in the ordinary course of the public office's or person's duties.

The City may be liable for statutory damages if it fails to comply with a written request for records that is delivered to the City by hand delivery or certified mail. Accordingly, if a Requestor transmits a written request by hand delivery or certified mail and the request is not expected to be fulfilled within two business days, a copy of same shall be sent to the City Manager for monitoring even if the employee receiving the written request is the holder of the requested records. The holder of the requested records shall respond timely to the records request.

EXCLUDING INFORMATION

If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the office or the person responsible for the public record shall make available all of the information within the public record that is not exempt.

If it is not clear whether the record is one that can be released, the Requestor should be told that it is not clear if a public record can be released and that the City will allow inspection or provide copies to the extent permissible as soon as legal counsel has had an opportunity to review the request. The employee shall indicate on the request form the nature of the employee's concern. A copy of the Request Form shall then be immediately sent to the City Manager's Office for handling.

Redacting information from a public record is considered a denial of a public record. When making a public record available for public inspection or copying that has had information redacted, the City shall notify the Requestor of the redaction or make the redaction plainly visible.

If a request is ultimately denied, in part or in whole, (which includes any redactions) the employee shall complete a Denial Form and shall provide the Requestor with a written explanation, including legal authority, why the request was denied or information redacted. Provided, however, if the denial is a "redaction in the ordinary course" a Denial Form is not required, but the Requestor must still receive the Written Explanation for Denial of Records Request, if the request was in writing. If the request was oral, the Requestor may be told orally why the request was denied. A "redaction in the ordinary course" is a redaction that is always done on a particular class of record such as eliminating social security numbers from a police report.

If a single Requestor makes a single request for multiple records, only one Denial Form and Written Explanation for Denial of Records Request, need be completed for the request but each reason for denial shall be indicated on the forms.

PUBLIC RECORDS REQUEST FORM

(For official use only)

Type of Request:

- Requests for Inspection* *Requests for Copies* *Requests for Mailing**
- Requests for Video and Audio* *Requests for Photographs* *Requests for Electronic Media*

Date of Request: _____ Time of Request: _____

Date Request was Received _____ (for written requests)

Request Made to: _____ Department _____

Requested Records: (Attached additional pages if necessary. If request was in writing attach written request)

Does Requestor have preference of form of copies? Yes No
If yes indicate form of preference _____

For oral requests, did the Requestor read the above request or have it read to him/her? Yes No
If no indicated reason: _____

Reason that the request has not been fulfilled: _____

CITY MANAGER OFFICE ONLY

Date Request was fulfilled: _____

If Request was denied in whole or part attach Denial form. _____

** for mailings indicate necessary mailing information:*

PUBLIC RECORDS REQUEST FORM
Instructions for City Employee:

It is the policy of the City that all public records requests be responded to, as appropriate, in a reasonable amount of time given the nature of the request and the circumstances of the request.

This form is to be completed upon receipt of a request for public records that is not immediately fulfilled. The employee taking the request should put his/her name on the line marked "Request Made to _____" and indicate his/her department on the next line "Department _____".

If you do not have the authority to respond to the request, or do not have custody of the requested documents, complete this form and immediately forward it to the City Manager's Office.

Public records requests may be written or oral. If a public records request is made orally, write down the request on this form and read it back to the requesting party to make sure the request is accurate. If the request is written, complete this form and attach the written request.

If you were not able to understand the request, you must inform the requestor of the right to revise the request and advise the requestor of the manner in which records are kept and accessed in the ordinary course of the City's operation.

If you are not sure whether the record is one that can be released, you should advise the Requestor of that fact and that the City will allow inspection or provide copies to the extent permissible as soon as our legal counsel has had an opportunity to review this request. Then immediately provide the City Manager and City Law Director with a copy of the Request Form which must contain a brief description of your concern and/or question.

If a Requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the employee taking the request or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the employee or the person responsible for the requested public record may deny the request but 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 public office and accessed in the ordinary course of the public office's or person's duties.

Requests for Inspection. The City may require that a City employee be present during the inspection but shall not deny an inspection if no employee is available.

Requests for Video and Audio. Persons requesting copies of audio or video records are required to furnish blank recording tapes, of sufficient quality, to allow reproduction of the requested material.

Requests for Photographs Persons requesting photographs shall be charged only the actual cost incurred by the department for the reproduction of these photographs. Photographs of police officers, firefighters or EMTs that identifies their occupation are not to be disclosed.

Requests for Electronic Media If a Requestor chooses to obtain a copy of a public record that is in an electronic format, he/she shall pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy. The Requestor may choose to have the public record duplicated upon paper, upon the same medium upon which the City keeps it, or upon any other medium upon which the City determines that it reasonably can be duplicated as an integral part of the normal operations of the City.

DENIAL OF PUBLIC RECORDS REQUEST

(For official use only)

Date of Request: _____ Time of Request: _____

Request Made to: _____ Department: _____

Person Denying Request: _____ Department: _____

Date of Denial: _____

Reason for Denial/Retraction

- | | | |
|---|--|---|
| <input type="checkbox"/> Medical Records | <input type="checkbox"/> Trial preparation records | <input type="checkbox"/> Attorney-client privileged |
| <input type="checkbox"/> Taxpayer Records
Records | <input type="checkbox"/> Social Security Numbers | <input type="checkbox"/> Security /Infrastructure |
| <input type="checkbox"/> Trade Secrets | <input type="checkbox"/> Record Not Kept by City | <input type="checkbox"/> Police/fire/EMS Familial
Info |
| <input type="checkbox"/> Law Enforcement
Investigatory Records | <input type="checkbox"/> Recreation Activities of
People Under Age 18 | <input type="checkbox"/> Other: _____
_____ |

Written reason for denial/redaction given to Requestor

Oral reason for denial/redaction given to Requestor

City Employee Instructions:

Redacted information is considered a denial in part of a public record request and the requestor must be provided with explanation for redaction.

When making a public record available for public inspection or copying that has had information redacted, you must notify the Requestor of the redaction or make the redaction plainly visible.

If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, you must still make available all of the information within the public record that is not exempt.

If it is not clear whether the record is one that can be released, the Requestor should be told that it is not clear if a public record can be released and that the City will allow inspection or provide copies to the extent permissible as soon as legal counsel has had an opportunity to review the request. You must then indicate on the Request Form the nature of the employee's concern (Do not use the Denial Form under this circumstance). A copy of the Request Form shall then be immediately sent to the City Manager's Office for handling.

If a request is ultimately denied, in part or in whole, (which includes any redactions) you must complete this Denial Form and provide the Requestor with the Written Explanation for Denial of Records Request form (which is an explanation, including legal authority, why the request was denied or information redacted).

If the denial is a "redaction in the ordinary course" this Denial Form is not required, but the Requester must still receive the Written Explanation for Denial of Records Request, if the request was in writing. If the request was oral, the Requester may be told orally why the request was denied. A "redaction in the ordinary course" is a redaction that is always done on a particular class of record such as eliminating social security numbers from a police report.

If a Requestor request records that the City does not maintain, (For example, requesting copies of all traffic accident reports filed on one particular date, but the office files them alphabetically by driver name) the request may be denied but only after providing the Requestor with an opportunity to revise the request by informing the Requestor of the manner in which records are maintained and accessed in the ordinary course of the public office's or person's duties.

If a Requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the employee taking the request the person responsible for the requested public record cannot reasonably identify what public records are being requested, the employee or the person responsible for the requested public record may deny the request but 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 public office and accessed in the ordinary course of the public office's or person's duties.

WRITTEN EXPLANATION FOR DENIAL OF RECORDS REQUEST.

Thank you for your recent records request. However, pursuant to Ohio law we are not able to fill your request in whole or in part (i.e. a redaction) for one or more of the reasons set forth below (There may be more reasons for the City not fulfilling your request that are not set forth in this document).

_____ **Medical records** pertinent to a patient's medical history, diagnosis, prognosis or medical condition and that were generated and maintained in the process of medical treatment are not public records. *Ohio Revised Code Ann. §149.43(A)(1)(a) and (A)(3); Bartley v. Little (Dec. 28, 2000), Muskingum App. No. CT99-16, 2000 Ohio App. LEXIS 6238*

_____ **Trial preparation records** that were specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding are not public records. *Ohio Revised Code Ann. §149.43(A)(1)(g) and (A)(4); State ex rel. Police Officers for Equal Rights v. Lashutka (1995), 72 Ohio St.3d 185, 1995 Ohio 19, 648 N.E.2d 208*

_____ **Confidential Law Enforcement Investigatory Records** which pertain to a law enforcement matter of a criminal, quasi-criminal, civil or administrative nature, and create a high probability of disclosing the identity of an uncharged suspect, confidential source, specific confidential investigatory technique and/or procedure, investigatory work product, or would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness or confidential information source are not public records. *Ohio Revised Code Ann. §149.43(A)(1)(h) and (A)(2) and (A)(2)(a)-(d); Bartley v. Little (Dec. 28, 2000), Muskingum App. No. CT99-16, 2000 Ohio App. LEXIS 6238*

_____ **Security and Infrastructure Records** which contain information directly used for protecting or maintain the security of a public office against attack, interference, or sabotage, or to prevent, mitigate or respond to acts of terrorism, such as the configuration of a public office are not public records. *Ohio Revised Code Ann. §149.43*

_____ **Records Concerning Recreation Activities of People Under Age 18** are not public records *Ohio Revised Code Ann. §149.43(A)(1)(r), §149.43(A)(8), State ex re. McCleary v. Roberts (2000), 88 Ohio St.3d 365*

_____ **Attorney-client privileged information.** Is not required to be released. *State ex rel. Nix v. Cleveland (1998), 83 Ohio St.3d 379, 1998 Ohio 290, 700 N.E.2d 1; Allright Parking of Cleveland, Inc. v. Cleveland (1992), 3 Ohio St.3d 772, 591 N.E.2d 708; Woodman v. Lakewood (1988), 44 Ohio App.3d 118, Cuyahoga App. No. 53647, 541 N.E.2d 1084.*

_____ **Taxpayer Records** may be kept confidential. *Ohio Rev. Code Ann. §718.13.*

_____ **Social Security Number** may be kept confidential. *State ex rel. Beacon Journal Publ. Co. v. City of Akron (1994), 70 Ohio St. 3d 605, 1994 Ohio 6, 640 N.E. 2d 164. See, also, State ex rel. Beacon Journal Publ. Co. v. Kent State University (1993), 68 Ohio St.3d 40, 1993 Ohio 146, 623 N.E.2d 51*

_____ **Family Information of Peace Officer, Firefighter, EMT** are not public records. *Ohio Rev. Code Ann. §149.43(A)(7)(a)*

_____ **Trade Secret** deriving independent value from the fact that it is not generally known and has been the subject of reasonable efforts to maintain its confidentiality need not be disclosed. *Ohio Rev. Code Ann. §1333.61(D). See, also, State ex rel. Besser v. Ohio State University (2000), 87 Ohio St.3d 535, 2000 Ohio 475, 721N.E.2d 1044*

_____ **Not a Record Kept by City.** You have requested a record that is not kept by the City or is not kept in a manner that you requested and you have been advised of the manner in which records are maintained and accessed in the ordinary course. *Zauderer v. Joseph (1989) 62 Ohio App 3d 752.State ex rel. Evans v. Parma (Mar. 13, 2003), Cuyahoga App. No.81236, 2003 Ohio 1159, 2003 Ohio App. LEXIS 1097; Capers v. White (Apr.17, 2002), Cuyahoga App. No. 80713, 2002 Ohio App. LEXIS 1962.*

_____ **Other:** _____

VANDALIA PUBLIC RECORDS RELEASE POLICY

The underlying purpose of the Vandalia Records Release Policy is to provide for full and prompt disclosure of public records and assure that City employees take all reasonable steps to comply with proper requests for public records.

Public records responsive to a request will be promptly prepared and made available for inspection/copying during regular business hours. If the records are not immediately available, they will be made available in a reasonable amount of time, given the nature and the circumstances of the request.

You are not required to give your name or the reason for your request.

If we cannot reasonably identify what public records are being requested, we will explain the manner in which records are maintained and accessed in the ordinary course and you will be given an opportunity to revise the request.

You will be notified if any information is redacted from a record or the redaction will be made plainly visible.

If it is not clear whether the record you requested is one that can be released, we will allow inspection or provide copies to the extent permissible as soon as legal counsel has had an opportunity to review the request.

Each department within the City establishes its own policy for when it charges for postage and/or copies. All such charges (if any) are limited to the actual cost of postage and/or copying. Cost of copying is \$.05/per page for standard copies.