

PUBLIC RECORDS POLICY
VILLAGE OF BAILEY LAKES
822 Main Street, Ashland, OH 44805

INTRODUCTION:

It is the policy of the Village of Bailey Lakes, including its departments and agencies, (hereinafter collectively referred to as the Village) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village to strictly adhere to the state's Public Records Act. Exemptions to openness are to be construed in their narrowest sense and a denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation will also be in writing.

Section 1 Public Records

This office, in accordance with the Ohio Revised code, defines records as including 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 a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All such records of the Village of Bailey Lakes are public unless they are specifically exempt from disclosure under the Ohio Revised Code or federal law.

Generally, records exempt from the Public Records Act include:

1. Medical records of an individual, including, but not limited to, those pertaining to American with Disabilities Act requests.
2. Investigatory records produced as the result of a confidential law enforcement investigation until such time as the matter is concluded and some records of administrative investigations.
3. Trade Secret and Intellectual Property records.
4. Trial preparation records.
5. Attorney-Client communications and Attorney work product.
6. Child Abuse Reports.
7. Social Security Numbers.
8. Any and all records, the release of which is prohibited by State or Federal law.

Section 1.1

It is the policy of the Village that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently. The Village will not create new records to fulfill a request. It will only provide a copy of the record(s) as it currently exists.

Section 2 Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

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 public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian 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 office keeps its records.

Section 2.2

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, unless it will assist the record custodian in better understanding the request.

Section 2.3

Public records are to be available for inspection during established business hours with the exception of published holidays. Public records must be made available to 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; and the necessity for any legal review of the records requested.

Under Ohio law, a public office or person responsible for the public record shall permit the requester to 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 public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operation of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public record shall be provided in accordance with the choice made by the person seeking the public record.

The person responsible for a public record is to advise the Mayor and Law Director in the event a public records request is made by the media. Additionally, the Law Director should be contacted where a public record is requested by an attorney.

Section 2.4

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 reasonably feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, 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 and personnel resources allow.

All requests for public records must either be satisfied, as noted above, or be acknowledged in writing by the Village of Bailey Lakes within three (3) business days following the office's receipt of the request. If a request is deemed beyond "routine", such acknowledgement must include all of the following:

- (i) An estimated number of business days it will take to satisfy the request.
- (ii) An estimated cost if copies are requested.
- (iii) Any items within the request that may be exempt from disclosure.
- (iv)

Section 2.5

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. If such information is redacted, it is to be redacted from the copy and not the original. Prior to a denial of the release of information, the record request and response shall be reviewed by the Mayor and Law Director of the Village.

Section 3 Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1

The charge for paper copies is 5 cents per page.

Section 3.2

The charge for downloaded computer files to a compact disc is \$1.00 per disc.

Section 3.3

There is no charge for documents e-mailed.

Section 3.4

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4 E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-Mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules. As such, all E-Mail communications should be factual, objective, thorough and measured in tone. It is the policy of the Village that private E-Mail accounts are not to be used to transact the business of the Village.

Section 4.1

Records in private E-Mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their E-Mails that relate to public business (See Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's record custodian.

Section 4.2

The records custodian is to treat the E-Mail from private and public accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5 Failure to respond to a public records request

Village of Bailey Lakes recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, Village of Bailey Lakes' failure to comply with a request may result in a court ordering Village of Bailey Lakes to comply with the law and to pay the requester attorney's fees and damages.