

Village of West Jefferson Public Records Policy

INTRODUCTION TO PUBLIC RECORDS

It is the policy of the Village of West Jefferson that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village of West Jefferson to strictly adhere to the State's Public Records Act. All exemptions to openness are to be interpreted in their narrowest sense and any 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 for public records is in writing, the explanation of denial must also be in writing.

PUBLIC RECORDS

Section 1.0 Definition

The Village of West Jefferson, in accordance with the Ohio Revised Code, defines records as including the following: Any document, device, or item, regardless of physical form or characteristic, including electronic records, that are 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 records of this office are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1 Organization and Maintenance

The Village of West Jefferson has adopted a records retention policy, as required by Ohio law. The mayor will appoint a records manager to oversee records distribution. These records will be organized and maintained so that they are readily available for inspection and copying. The records manager will log all public records requests.

Section 2.0 Evaluation of a Public Records Request

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

Section 2.1 Identification of Public Records Requested

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 manager 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 Method of Public Records Request and Identity of Requestor

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 the Village of West Jefferson's general policy that this information is not to be requested. The records manager will be in charge of gathering information for public records requests. The records manager may delegate this responsibility to the appropriate department head or staff member for the fulfillment of simple records requests in their department. In the records manager's absence, the mayor will delegate the public records requests appropriately.

Section 2.3 Availability of Public Records for Inspection and Production of Copies

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Inspection and copies of public records must be made available within a prompt and 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.

Section 2.4 Time Constraints for Satisfying the Public Records Requests

Each request should be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. 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, the records should be made available as quickly as the staff time and equipment allows.

All requests for public records must either be satisfied or be acknowledged in writing by a public office within five business days following the office's receipt of the request. If a request will not be satisfied within five business days, the acknowledgement must include at least the following:

- A request for clarification (if necessary)
- An estimated cost (if copies are requested)
- An estimated date of completion (if possible)

Section 2.5 Denial of Public Records Requests

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.

COST FOR OBTAINING COPIES OF PUBLIC RECORDS

Section 3.0 Charges for Copies and Postage

Those seeking public records will be charged only the actual cost incurred by the village. The records manager will collect all fees prior to records distribution. (See charges below)

Section 3.1 The charge per paper copy, including faxes, is \$0.10 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 e-mailed documents.

Section 3.4 Requester may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies in addition to the charge per copy.

Section 3.5 Other governments and police departments will not be charged for standard public records requests at the discretion of the records manager or the chief of police.

E-MAIL AS PUBLIC RECORDS

Section 4.0 Definition of E-mail as Public Records

Documents in electronic format are records as defined by the Ohio Revised Code when their content relates to the business of the Village of West Jefferson. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 Private E-mail Accounts Holding Public Records

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Village of West Jefferson are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts.

CONCLUSION TO PUBLIC RECORDS

Section 5.0 Failure to Respond to a Public Records Request

The Village of West Jefferson recognizes the legal and non-legal consequences of failure to properly respond to a public records request. The Village also reserves the right to consult with legal counsel prior to the release of any public records.