

*All the information received, created, or compiled by officials or employees of the City of Lyndhurst is official record material; and is therefore property of Lyndhurst. Records are public information and must be retained and maintained by the city. The unlawful destruction, removal, or use of official records is prohibited.*

## **Public Records**

“Ohio Revised Code Section 149.43 (A)(1) defines “Public Records” as any document, device, or item, regardless of physical form or characteristic, created, received by or coming under the jurisdiction of any public office of the state or its political subdivisions. A public record serves to document the organizations, functions, policies, decisions, procedures, operations, or other activities of the office. I.E. a document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data-processing records, artifacts or other documentary material made or received according to law or ordinance or in connection with the transaction of official business”.

The purpose behind records retention is to ensure that proper procedures & guidelines are being followed regarding all public records. This policy will help clarify the requirements for the retention & destruction of public records for the City of Lyndhurst. Our policy is intended to serve as a guide, and to complement the use of any approved records retention & disposition schedules not to replace or supersede them.

# **ADOPTED 9/08/09**

## **CITY OF LYNDHURST, OHIO PUBLIC RECORDS POLICY**

### **INTRODUCTION**

It is the policy of the City of Lyndhurst that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City of Lyndhurst to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed 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. Definition***

In accordance with the Ohio Revised Code, the City of Lyndhurst defines records as including the following: Any document – paper, electronic (including, but not limited to, email), 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 City of Lyndhurst. All records of The City of Lyndhurst are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

#### ***Section 1.1 Organization and Maintenance***

It is the policy of the City of Lyndhurst 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 intended to be updated regularly and posted prominently.

## **REQUESTS & RESPONSES**

### ***Section 2. Evaluation of a Public Records Request***

Each request for public records should be evaluated for a response using the guidelines outlined in the following Sections.

#### ***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 City of Lyndhurst to identify, retrieve and review the records. If it is not clear what records are being sought, the records custodian or person assigned to respond to the request must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor 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 City's general policy that this information is not to be requested.

#### ***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. Public records must be made available for 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.

#### ***Section 2.4 Time Constraints for Satisfying 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, these should be made as quickly as the equipment allows.

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

- A request for clarification (if necessary)
- An estimated cost if copies are requested.

### ***Section 2.5 Denial of Public Records Request***

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 reductions, each redaction must be accompanied by a supporting explanation, including legal authority.

## **COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS**

### ***Section 3. Charges for Copies and Postage***

***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 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.

## **EMAIL AS PUBLIC RECORDS**

### ***Section 4. Definition of E-Mail as Public Records***

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.

### ***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 City of Lyndhurst are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the City's records custodian.

***Section 4.2 Duties of the Records Custodian in Managing Private Account E-Mails***

The records custodian is to treat the e-mails from private 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.

**FAILURE TO RESPOND TO A PUBLIC RECORDS  
REQUEST**

***Section 5. Legal and Non-Legal Consequences***

The City of Lyndhurst 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, failure to comply may also result in a court ordering the City to comply with the law and to pay the requester's attorney's fees and damages.