

## DOVER 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 City of Dover to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

### DEFINING PUBLIC RECORDS

All records kept by the City of Dover are public unless they are exempt from disclosure under Ohio law. All public records must be 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 of Dover that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

### RESPONSE TIMEFRAME

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 and redaction of the records requested. It is the goal of the City of Dover that all requests for public records should be acknowledged in writing or, if possible, satisfied within 5 business days following the office's receipt of the request, or as quickly as reasonably possible.

### HANDLING REQUESTS

No specific language 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 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 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. A copy of the most recent edition of the Ohio Sunshine Laws manual is

available via the Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

#### **ELECTRONIC RECORDS**

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a Blackberry) are to be treated in the same fashion as records in other formats, such as paper or audiotape. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

#### **DENIAL OR REDACTION OF RECORDS**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must 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 must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. 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. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

#### **COPYING AND MAILING COSTS**

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is .10 cents per page. The charge for electronic files downloaded to a compact disc is \$1.00 per disc. A requester may 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 may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed. The City employee shall have the right to waive all costs if, in the employee's determination that billing for the record would be unreasonable or unduly burdensome.

#### **MANAGING RECORDS**

The City of Dover records are subject to records retention schedules. The office's current schedules are available at the office of the Mayor's Administrative Assistant, 110 East Third Street, Dover, Ohio 44622, a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code.

#### **PUBLIC OFFICIAL RECORDS REPRESENTATIVE**

The clerk of council is appointed as the public records representative for all elected officials in the City of Dover. The clerk shall attend required public records training as the representative of those elected officials at the cost of the city. All other public officials are encouraged to attend public records training to facilitate knowledge of Ohio Public Records and Public Meetings Law.

EMERGENCY ORDINANCE 20-14  
AN EMERGENCY ORDINANCE TO ADOPT THE CITY OF DOVER PUBLIC RECORDS  
POLICY MISSION STATEMENT.

WHEREAS, the public interest dictates that the city of Dover adopt a public records policy mission statement; and

WHEREAS, the Ohio Attorney General has drafted and recommended adoption of a Model Public Records Policy Mission Statement; and

WHEREAS, the Ohio Historical Society has adopted a Municipal Records Manual Revised January 2000; and

WHEREAS, the adoption of the Attorney General's Model Mission Statement and Ohio Historical Society Municipal Records Manual Revised January 2000 and as updated periodically by that organization will enhance the ability of the city of Dover to insure compliance with the Ohio Public Records Law.

NOW THEREFORE BE IT ORDAINED BY DOVER CITY COUNCIL:

I.

Dover city council adopts the Dover Public Records Policy as attached hereto as the Dover Ohio Public Records Policy and the Ohio Historical Society Municipal Records Manual Revised January 2000 (and as revised in the future), located at [ww2.ohiohistory.org/resource/lgr/LGRHandBk04262001.pdf](http://ww2.ohiohistory.org/resource/lgr/LGRHandBk04262001.pdf), as the records policy and records retention policy of the city of Dover.

II.

The Mayor's Administrative Assistant shall be provided with a copy of any public records request, shall keep a log of all requests, and the log shall show the date of the request and the date responses were made to the request by the responding or responsible officer. After this ordinance is passed, a copy of this ordinance shall be posted in each department in the city of Dover together with the Dover Public Records Policy. As noted above this ordinance and the link to the Ohio Historical Society Municipal Records Manual and the Dover Public Records Policy as attached to this ordinance shall be posted on the City of Dover WEB Site. Pursuant to ORC section 149.42(B)(7) [as presently adopted and as amended in the future], Dover may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

II.

That this ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety for the City of Dover and its inhabitants, and provided it receives the affirmative vote of two-thirds (2/3) of the members appointed or elected to Council, it shall take effect and be in force immediately upon its passage and approval; otherwise it shall take effect and be in force from and after the earliest period allowed by law. An emergency exists to comply with state law.


III.

That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in conformance with all applicable open meeting laws and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in compliance with all legal requirements including open meeting requirements.

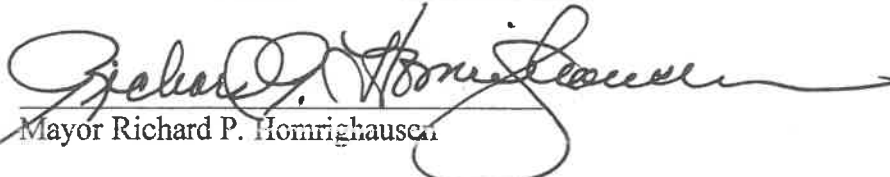
Passed this 7<sup>th</sup> day of April, 2014.

Attest:

  
Julie Leggett  
Clerk of Council

  
Tim Tarulli  
President of Council

Approved this 7<sup>th</sup> day of APRIL, 2014.

  
Mayor Richard P. Homrighausen

Publish summary once and on city and state web site  
Recommended by Human Resources Committee