



VILLAGE OF PERRYSVILLE

State of Ohio

Introduction:

It is the policy of Village of Perrysville that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Village of Perrysville 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 is in writing, the explanation must also be in writing.

(AG comment: The introduction section is meant to convey the public office's philosophy toward openness and to set the tone for how the office will interact with the public in terms of customer service and the free flow of information.)

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 records of the Village of Perrysville are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the Village of Perrysville 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.

(AG comment: The purpose of this section is to define what is a public record. This will vary from agency to agency. Law enforcement, for instance, has unique exemptions under the Open Records Act. School districts have different standards for student records than

for administrative records. Law offices, such as those of city law directors or county prosecutors, will have records that are exempt from disclosure requirements based on attorney-client privilege and work-product in reasonable anticipation of litigation. The public entities are encouraged to examine their current policies to ensure “public record” is defined as broadly as possible.)

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 requestor in revising the request by informing the requestor 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 be requested.

Section 2.3

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

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 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 allows.

[If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.?)

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the Village of Perrysville within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

Section 2.4a – An estimated number of business days it will take to satisfy the request.

Section 2.4b – An estimated cost if copies are requested.

Section 2.4c – Any items within the request that may be exempt from disclosure.

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.

(AG comment: The purpose of this section is to outline how the public body responds to requests for public records. While the Ohio Revised Code says merely a "reasonable time" is required for making copies available in response to public records requests, this model policy contemplates that public offices should at least respond to the request within three business days. Further, public bodies should strive to provide copies in responses to routine public records requests immediately, or at the maximum within three business days. Some public bodies may find this onerous. We encourage, however, each agency and body to set parameters on response times as a way to manage expectations and facilitate openness.)

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 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.

(AG comment: The purpose of this section is to define actual costs of copies, which under Ohio law may only consist of the costs of paper, ink, etc., and not the time used for gathering, reviewing or physically copying the records.)

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.

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 records custodian.

Section 4.2 – 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.

(AG comment: The purpose of this section is to clarify the ongoing debate over records in e-mail and other electronic formats. The key issue is not format, but content. If an e-mail or other electronic communication involves the business of a public office, it is a record of that office and is subject to disclosure.)

Section 5. Failure to respond to a public records request

The Village of Perrysville 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, the Village of Perrysville’s failure to comply with a request may result in a court ordering the Village of Perrysville to comply with the law and to pay the requester attorney’s fees and damages.
