



# City of New Albany Public Records Policy

## Introduction

It is the policy of the City of New Albany 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 New Albany to adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense to comply with both the spirit and the letter of the Public Records Act.

## 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, business e-mail), or other format – that is created, received by, or comes under the jurisdiction of the City of New Albany that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. A “public record” is a “record” that is being kept by the City of New Albany at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law.

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

Records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are updated regularly and available for inspection at the Village Hall, 99 W. Main Street, New Albany, a location readily available to the public as required by Ohio Revised Code §149.43(B)(2). The records custodian for the City of New Albany is the Clerk of Council, located at 99 W. Main Street, New Albany.

## Record requests

Public records are to be available for inspection during regular business hours, with the exception of holidays when city offices are closed. 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. 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 office to identify, retrieve, and review the records.

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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. Generally, this information is not to be requested. However, a written request and the requestor's identity and/or intended use of the information may be requested if (1) it would benefit the requestor by helping the public office identify, locate or deliver the records being sought, and (2) the requestor is informed that a written request and the requestor's identity and intended use of the information requested are not required.

When an employee receives a public records request, the employee will acknowledge receipt of the request for public records, log the request into a tracking system, and provide a tracking number for the request to the requester. If the person receiving the request is not the custodian of the record, they will forward the information to the appropriate staff member for the request to be addressed. Additionally, the acknowledgement to the requester will be made within a reasonable period of time and provide an estimate of when the request will be fulfilled and estimated costs, if any. The acknowledgement shall be made consistent with the manner in which the request was made.

Not all requests for documents or information will be tracked. The nature of the work of the office is a factor in determining the need to log and copy the request. Where providing the record is within the day-to-day functions of the office, the immediate fulfillment of the request would not require tracking. It will be considered a best practice under this policy to log the request and provide a tracking number for the requester when the request cannot be immediately fulfilled.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, a new record may be generated when it makes sense and is practical under the circumstances. When this is the case, a copy of the new record shall be retained according to the retention schedule.

If it is not clear what records are being sought because the request is ambiguous or overly broad, the records custodian or person receiving 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. When a requested record is withheld, redacted, or otherwise denied an explanation must be provided, including legal authority, for the denial(s). 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 must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

### **Costs for Public Records**

Those seeking paper copies of public records will be charged only the actual cost of making copies, which is \$.05 per page. Those seeking public records on a CD or USB flash drive will be charged \$1.00 per CD, or \$10.00 for a USB flash drive. There is no charge for electronic copies



of documents sent via e-mail. Requesters may ask that documents be mailed to them and the City of New Albany will charge the actual cost of the postage and mailing supplies.

A requestor seeking video records from the police department will be charged with the actual cost associated with preparing the video for inspection or production, not to exceed \$60.00 per hour of video produced, nor \$600.00 total. Actual cost includes the overhead and staff time spent reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records. Furthermore, the police department will require the requestor to pay the estimated actual cost before beginning the process of preparing a video record for inspection or production. The estimated actual cost will be provided to the requestor within five business days of receipt of the video record request, and the police department's obligation to fulfill the request does not begin until the estimated actual cost is paid in full. If the actual cost exceeds the estimated actual cost, the requestor may be charged the difference so long as the difference does not exceed 20% of the estimated actual cost and if the requestor is notified in advance that the actual cost will be higher than the estimated actual cost. In cases of overpayment, where the actual cost is less than the estimated cost, the requestor will be refunded the difference.

**Failure to respond to a public records request**

The City of New Albany 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 City's failure to comply with a request may also result in a court ordering the City of New Albany to comply with the law and pay certain damages as assessed by the court.