

## Village of Elmwood Place Public Records Policy

### A. General Policy Statement

The Village of Elmwood Place, Ohio ("Village") is committed to providing interested persons with public records, upon request. All public records responsive to a public records request shall be promptly prepared and made available within a reasonable period of time. Public records may be inspected during regular business hours or upon request shall be copied and provided to the requestor at cost.

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 Village that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Village. A "public record" is a "record" that is being kept by the Village at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

### B. Organization of Public Records and Current Records Retention Schedule

To facilitate broader access to public records, the Village shall organize and maintain its public records so that they can be made available for inspection or copying. The Village shall also have available a copy of its current records retention schedule readily available to the public.

### C. Determination of Regular Business Hours

Although certain portions of the Village's operations are continuous, the regular business hours of the Village for purposes of public records inspection shall be 9:30 a.m. until noon and 1:00 p.m. until 4:00 p.m., Tuesday through Friday, excluding published holidays.

### D. Initiation of a Public Records request

Public records requests should be presented to the Clerk/Treasurer, orally or in writing, at the Village located at 6118 Vine Street, Elmwood Place, Ohio 45216, by electronic mail at [Ecityhall@cinci.rr.com](mailto:Ecityhall@cinci.rr.com), or by telephone to 513-242-0291.

In order to enhance the Village's ability to identify, locate, or deliver the public records requested or sought by the requestor, the Village requests that all persons making public records requests complete a "Public Records Request" form. The completion of form is voluntary, and no public records request will be denied as a result of a requestor's refusal to complete the form.

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 Village to identify, retrieve, and review the 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(s). It is the Village's general policy that this information is not to be requested. However, the law does permit the Village to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the Village's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the Village does not have an obligation to create new records or perform a search or research for information in the Village's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Village's standard use of sorting, filtering, or querying features. Although not required by law, the Village should consider generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, a Village employee may 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 website ([www.ohioattorneygeneral.gov/YellowBook](http://www.ohioattorneygeneral.gov/YellowBook)) for the purpose of keeping employees of the Village and the public educated as to the Village's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and Personal Information Systems Act.

E. Review by the Village of Elmwood Place Solicitor

In all but the most routine of public records requests, the request will be immediately forwarded to the Village Solicitor for review and determination. The Solicitor shall determine if the records requested are public records and whether any records deemed public contain information that is exempt from the duty to permit public inspection or copying.

In the event that the Solicitor determines that a public record contains information that is exempt from the duty to permit public inspection or copying, the Solicitor shall make available all of the information within the public record that is not exempt. If there are any redactions, each redaction shall be accompanied by a supporting explanation, including legal authority.

F. Inspection of Public Records

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. The determination of what is "prompt" shall 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.

In order to ensure the integrity of its public records, the Village will assign an employee to be present at all times during the inspection of its records. The employee will be present to ensure that the records are not damaged or removed and will not otherwise interfere with the requestor's access and/or review of the records. Additionally the employee present will not be permitted to interpret or explain any records or to gather any additional records requested beyond the original public records request.

G. Provision of Copies of Public Records

Upon request, the Village will provide copies of public records. Copies of public records shall be made available within a reasonable period of time. The determination of a "reasonable period of time" shall 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.

Requestors may choose to have the public record duplicated upon paper, upon the same medium upon which it was kept by the Village, or upon any other medium upon which the Village determines that it reasonably can be duplicated as an integral part of the normal operation of the Village's business.

H. Cost of Copies of Public Records

Those seeking copies of public records shall be charged ten cents (\$0.10) per page for paper copies and fifty cents (\$0.50) per computer disc. The actual cost of copies of public records produced on video tapes or audio tapes reproduced by the Village shall be the cost of the video tape or the cost of the audio tape. There is no charge for documents that are sent electronically.

If the records requested cannot be copied or reproduced by the Village on letter or legal size paper, or are photographs, audiotapes or video tapes, the Village may have the records reproduced by a third party. The person requesting the duplication of such records will be charged the actual cost of duplication as determined by the third party chosen by the Village.

I. Approval and Payment of Duplicating Costs

All duplicating costs of public records other than letter or legal size paper documents must be approved, accepted, and paid for by the requestor in advance of the duplication, delivery or transmittal of any records to the requestor or any person on the requestor's behalf.

Upon request, the Village will transmit copies of public records by United States Mail or by such other delivery service as arranged or requested by the requester. The Village will not transmit or deliver copies until such time as it has received payment for the entire cost of the copies as well as the cost of the transmission of the copies.

J. Denial of Public Records Requests

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Village cannot reasonably identify what public records are being requested, the request may be denied, but the Village must then 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 Village.

If the Village withholds, redacts, or otherwise denies requested records, it must provide an explanation, 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 Village shall notify the requester of any redaction or make the redaction plainly visible.

The Village will deny public records requests when it determines that the records requested are not public records. Records requests that are ambiguous or overly broad such as the Village cannot reasonably identify what public records are being requested will not be honored and the requester will have the opportunity to revise the public records request.

If the request is ultimately denied, in part or in whole, the Village shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.

K. Posting of the Public Records Policy

A copy of the Public Records Policy shall be posted in a conspicuous place, near the police department service window and in the administrative offices.