

**VILLAGE OF ELMORE**

**Resolution No.     R6-20**

**A RESOLUTION TO UPDATE AND REVISE THE PUBLIC RECORDS REQUEST  
POLICY.**

**WHEREAS**, the Village of Elmore has public records that are available upon request; and

**WHEREAS**, it is appropriate to inform the public of the Village's public records request policy;  
and

**WHEREAS**, The Village should update its policy and replace all former policies with a policy  
approved by the Ohio Attorney General.

**NOW THEREFORE**, be it resolved by the Council of the Village of Elmore that:

1. The Public Records Request Policy attached hereto is hereby adopted and a copy shall  
be posted in an area accessible by the public.
2. All previous Public Records Request Policies are revoked and replaced by the attached  
policy

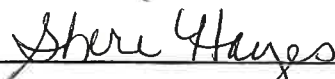
**Adopted on:**     8-10-20    

**Upon Motion duly made and seconded, a vote on this Resolution was taken as follows:**

**To Pass:**                        6     **Yeas**                        0     **Nays**

  
\_\_\_\_\_  
**President of Council**

  
\_\_\_\_\_  
**Approved by Mayor**

**Attest:**   
\_\_\_\_\_  
**Clerk Fiscal OFFICER**

**THE VILLAGE OF ELMORE, OHIO**  
**PUBLIC RECORDS REQUEST POLICY**

**MISSION STATEMENT**

Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Village of Elmore 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**

A "record" is defined to include the following: a document in any format—paper, electronic (including, but not limited to, business email)—that is created, received by or comes under the jurisdiction of the Village of Elmore 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 this office at the time a public records request is made, subject to applicable exceptions 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.

**RESPONSE TIMEFRAME**

Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable amount of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the Village of Elmore that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request.

**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.

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 our general policy that this information is not to be requested. However, the law does permit us 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 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, we do 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, we will consider generating new records when it makes sense and is practical under the circumstances.

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

## **ELECTRONIC RECORDS**

Records in the form of email, text 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, 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 are required to retain their email records and other electronic records in accordance with applicable records retention schedules.

## **DENIAL AND REDACTION OF RECORDS**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which the records are maintained and accessed by the office.

If the office 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 office shall notify the requester of any redaction or make the redaction plainly visible.

## **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 *five (5) cents per page*. The charge for electronic files downloaded to a compact disc is *one (1) dollar per disc*.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on 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 delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for emailed documents.

## **MANAGING RECORDS**

Elmore's records are subject to records retention schedules. The Village's current schedules are available at *344 Rice Street, Elmore, Ohio*, a location readily available to the public as required by the Ohio Revised Code Section 149.43(B)(2).

Revised 06/23/2020

Prepared by Mark E. Mulligan

Solicitor for the Village of Elmore, Ohio,