

City of Stow
Public Records Policy
September 29, 2007

General Policy

It is the belief of the City of Stow that openness leads to a better informed citizenry, which, in turn, leads to better government and better public policy. Accordingly, it is the policy of the City of Stow to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense. 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.

Public Records (Defined)

The City of Stow, 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 City of Stow are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Records Retention

It is the policy of the City of Stow that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

Policy Concerning Electronic Records

Documents in electronic mail format (e-mail) are records as defined by the Ohio Revised Code when their content relates to the conduct of public business of the City of Stow and are subject to disclosure. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Records in private e-mail accounts used to conduct public business are subject to disclosure and all employees or representatives of the City of Stow are instructed to retain their e-mails that relate to public business and copy them to their business e-mail accounts and/or the designated records custodian.

A records custodian is to treat the e-mails from private accounts that are used to conduct public business as records of the City of Stow, 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.

Record Requests (General Provisions)

Each request for public records shall be evaluated for a response using the following guidelines:

- 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 will contact the requester for clarification, and will assist the requester in revising the request by informing the requester of the manner in which the office keeps its 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, except as required below.
- An individual may be limited to 10 records requests per month that are to be forwarded by mail unless the requester certifies in writing that the records will not be used for commercial purposes.
- Public records will be available for inspection during regular business hours

(8 am to 4:30 pm), with the exception of published holidays. Public records will be made available for inspection in a prompt manner. Copies of public records will 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.)

- Each request shall be evaluated, on an individual basis, regarding the estimated length of time required to gather and duplicate the records (see definitions of Routine and Non-Routine requests below).

Routine Record Requests (Definition and Procedures)

Routine requests for records will be satisfied immediately (if it is feasible to do so). Routine requests include, but are not limited to, meeting minutes, 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 will be made as quickly as the equipment allows. If more copies are requested, arrangements should be made with the requester regarding when the copies or computer files can be picked up or sent to the requester.

Non-Routine Record Requests (Definition and Procedures)

In the case of "non-routine requests", such as those seeking a voluminous number of copies or requiring extensive research, an acknowledgement of the request shall be given, in a reasonable period of time, which will include the following: an estimated number of business days it will take to satisfy the request; an estimated cost if copies are requested; and, any items within the request that may be exempt from disclosure.

Denials and Redactions

Any denial of public records requested will include an explanation, including the legal authority justifying the denial. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the remainder released. If there are redactions, each redaction will be accompanied by a supporting explanation, including the legal authority justifying the redaction.

Costs for Copies of Public Records

Those seeking public records will be charged only the actual cost of making copies or furnishing compact discs. The charge for paper copies will be 5 cents per each page, with the exception of procurement of copies of police and fire reports, which, as established in Ordinance 2004-87, has the following fee schedule:

Pages 1-19: No Charge
20 pages or more: \$.05 per page

The charge for downloaded computer files to a compact disc will be \$1 per disc. There will be no charge for documents that are e-mailed.

Failure to Satisfy Public Records Requests (Sanctions)

The City of Stow 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 of Stow's failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requester attorney's fees and statutory damages.