



Office of the Mayor
City of Columbus
Ohio

PUBLIC RECORDS POLICY

INTRODUCTION

It is the policy of the City of Columbus that all non-exempt public records are to be promptly made available for inspection during regular business hours or any requested copies made within a reasonable time period.

This Public Records Policy establishes the policies and procedures for responding to requests for public records. This policy supersedes any and all previous records requests policies and procedures. This policy shall be distributed to all records managers, records custodians and other City of Columbus employees in custody of public records, all of whom will acknowledge receiving a copy of the policy. This policy will be included in any handbook or manuals outlining general policies of the City of Columbus.

HANDLING REQUESTS

* Every public office will have a current copy of its records retention schedule readily available to the public and will have the public records sign conspicuously placed in the public office and any branch offices.

* Public records will be organized and maintained in a manner that they can be made available for inspection or copying.

* Upon receipt of a request for public records, the request should be examined to assure that the request identifies with some degree of particularity the public record(s) being requested and whether inspection or copying is expected.

* If the request is not made in writing, an internal written record of the scope and date of the request should be created.

* In the event that the request is overly broad or ambiguous, such that it cannot reasonably be determined what public records are being requested, the office may deny the request and ask that the public records request be restated. In furtherance of assisting the requestor in reformulating the request, the public office will inform the requestor of the types of records maintained and the manner in which they are stored and accessed. In addition, the requestor will be provided an explanation for any denial of the public records. If the request was made in writing, so shall be the explanation of the denial. The explanation will include the legal authority for denying the request.

* The request should be processed within a reasonable time period with any delay justified by the location and volume of the records, the ordinary business hours of the public office, and an opportunity for redaction and/or legal review when appropriate. (See chart below.)

* When a written request or the disclosure of the identity of the requestor or the disclosure of the intended use of the public records benefits the requestor by enhancing the ability of the public office to identify, locate or deliver the public records sought by the requestor, the public office may make such inquiries or requests. However, before doing so, the public office must first disclose to the requestor that a written request is not mandatory and must further advise the requestor that he or she may decline to make the request in writing and that he or she may also decline to reveal his or her identity and/or intended use of the records.

* In processing the request, unless a statutory exemption exists, no public records request is to be denied based on the refusal of the requestor to make the request in writing, or based on the refusal of the requestor to disclose his or her identity or the motive for making the request.

* If a public record contains information that is exempt from disclosure, the public office shall redact the exempt portions and make available all the information in the public record that is not exempt. In addition, the redaction must be plainly visible or the requestor must otherwise be notified of the redaction. Unless a redaction is authorized by federal or state law, the requestor shall be provided with an explanation for the redaction. If the request was in writing, so shall be the explanation for the redaction.

* In processing the request, there is no obligation to create new records or perform new analysis of existing information. An electronic record will be deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering and querying.

* In processing a request for inspection of a public record, an office employee should accompany the requestor during inspection to make certain original records are not taken or altered. The requestor is not entitled to make the copies themselves.

* In processing the request, the public office will provide copies on any medium requested by the requestor, including paper or upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium which the public office or person responsible for the public record determines that it can reasonably be duplicated as an integral part of the normal operations of the public office. Consistent with the foregoing parameters, the copies will be provided in the medium chosen by the requestor.

* In processing the request for copies, the office will provide any copies by ordinary United States mail, if so requested, or by any other means of delivery or transmission. The public office may adopt a policy and procedure for transmitting public records.

* There is no limit on the number of records that will be made available to any single person. Nor shall there be any express limit on the number of records that will be made available during a fixed period of time. However, if a policy and procedure for transmitting public records is established, the number of records requested by a person that the office will transmit by U.S. Mail may be limited to ten (10) per month, unless the person certifies to the public office, in writing, that the person does not intend to use or forward the requested records, or information contained in them, for commercial purposes. "Commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

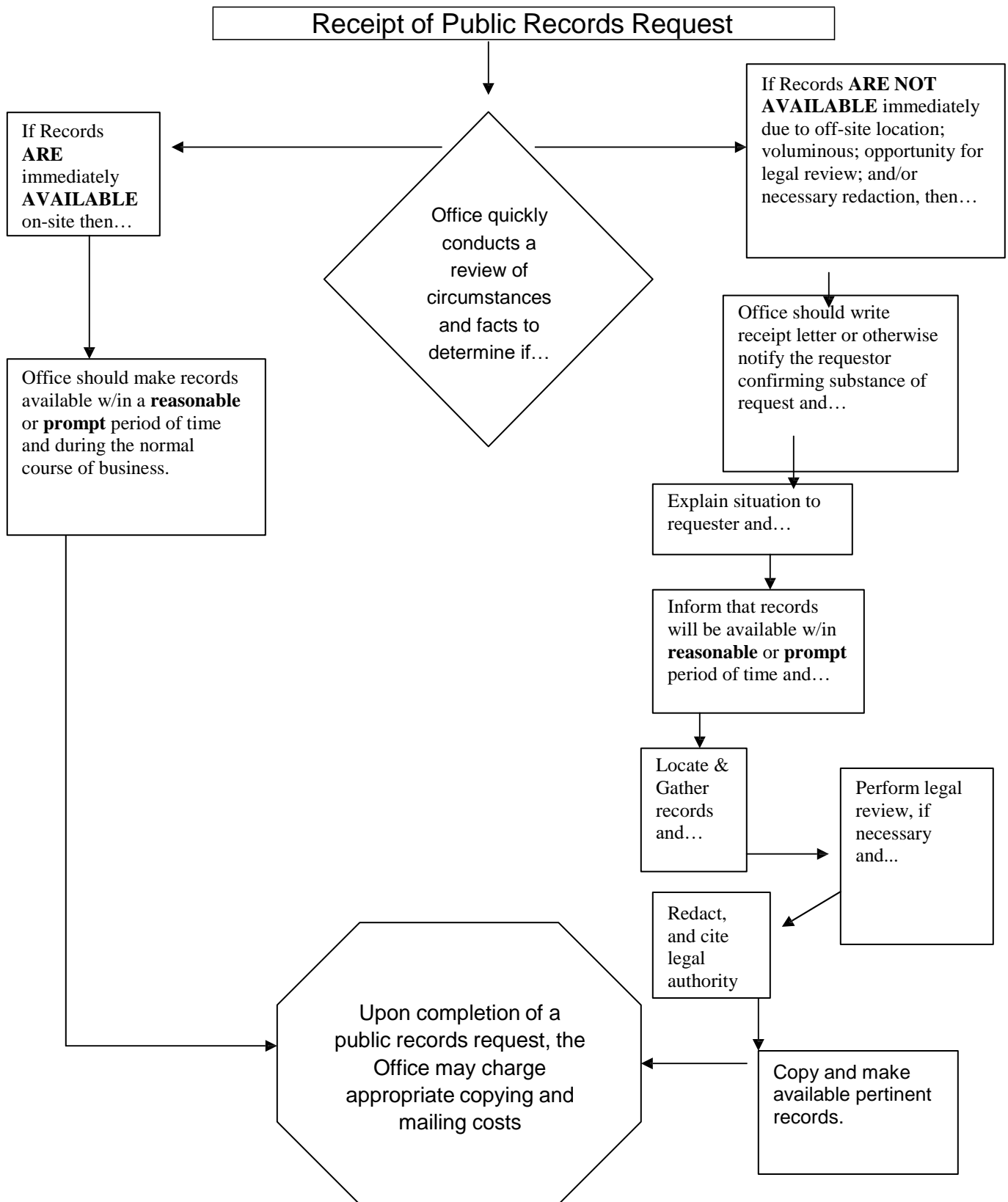
* No fixed period of time will be established to respond to a public records request, unless that period is less than eight (8) hours.

* In processing the request, the public office may require the requestor to pay the actual cost of copying the records, as well as any postage and mailing supplies. The requestor may be required to pay the costs in advance. Actual cost means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services. Actual costs do not include the time used for gathering, reviewing or physically copying the records.

* If a request is made by the media, the records managers shall notify their supervisor.

* If the request presents a high probability of litigation, or a unique issue not previously addressed, contact the City Attorney's Office as the request is being processed. The City Attorney's Office will then advise on how to proceed with the request.

Method for Responding to an Oral or Written Public Records Request





City of Columbus
 Office of the Mayor
 90 West Broad Street
 Columbus, Ohio 43215

Public Records Request: Notice of Denial, Denial In Part, or Redaction

Name of Employee: _____

Date: _____

In compliance with the Public Records Act, you are hereby notified that your request for record(s) was either denied, denied in part, or subject to redaction(s). The basis for the denial, denial in part, or redaction is due to one or more of the following reasons¹:

(CHECK the reason(s) for denial, denial in part, or redaction.)

- The record(s) requested are not kept by the public office. O.R.C. §149.43(A)(1).
- The record(s) are by definition not "public records" pursuant to O.R.C. §149.43(A)(1)(a-y).
- The record(s) have been disposed of or transferred pursuant to the records retention schedule in accordance with O.R.C. §149.39.
- The record(s) are exempt or prohibited from disclosure by federal or state law. O.R.C. §149.43(A)(1)(v).

Identify additional legal authority:

- The record(s) contained information, which has been redacted due to the fact the redacted portion(s) are either exempt or prohibited from being disclosed under federal or state law. O.R.C. §149.43(A)(1)(v).

Identify additional legal authority:

- Other basis or legal authority:

¹ The explanation for denial, denial in part, or redaction herein shall not preclude the public office or its employee(s) from relying upon additional reasons or legal authority.