

# Columbus City Council/City Clerk's Office Public Records Policy

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(Revised April 2019)

*“. . . Records Matter. For without records, citizens could not claim their rights or hold government officials accountable. Without records, past mistakes would no longer be lessons for the future. Citizens . . . would have no understanding of their . . . story. . . . Records tell us “who we are, what we have achieved, our adventures, and what we stand for.”*

*John W. Carlin, Eighth Archivist of the United States*

**MISSION STATEMENT:** Our mission is to preserve the records of the City of Columbus and to make available all non-exempt public records promptly and reasonably, upon request, for inspection or copying to any person at all reasonable times during regular business hours.

This Public Records Policy establishes the policies and procedures for Columbus City Council/City Clerk's office relating to responses to requests for public records. This policy supersedes any and all previous records requests policies and procedures. This policy shall be distributed to all employees, all of whom will acknowledge receiving a copy of the policy. This policy will also be included as part of documents received by any new employee upon his/her date of hire.

## **HANDLING REQUESTS:**

- \* City Council/City Clerk's office will maintain a current copy of its records retention schedule and make this policy readily available to the public.
- \* 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.
- \* If the request is not made in writing, an internal written record of the scope and date of the request will 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.
- \* So long as the request identifies with some degree of particularity the public record(s) being sought, the request should be processed as soon as possible 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 for the disclosure of the identity of the requestor or the intended use of the public records benefits the requestor by enhancing the ability of the Council/Clerk's office to identify, locate or deliver the public records sought by the requestor, the Council/Clerk's may make such inquiries or requests. However, before doing so, the Council/Clerk's 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 Council/Clerk's office shall redact the exempt portions and make available all the information in the public record that

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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 Council/Clerk's office will provide copies on any medium requested, including paper or upon the same medium upon which the office keeps it, or upon any other medium which the office determines that it can reasonably be duplicated as an integral part of the normal operations. 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 made available for pickup at City Hall. The office may adopt a policy and procedure for transmitting public records.

\* There is no limit on the number or 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 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 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.

\* In processing the request, the Council/Clerk's office may require the requestor to pay the actual cost of copying the records, as well as any postage and mailing supplies. 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 cost does not include the time used for gathering, reviewing or physically copying the records. The requestor may be required to pay the costs in advance. Copies are provided at .05 cents per page.

\* If a request is made by the media, the records managers shall notify the Communications office of City Council.

\* If the request presents a high probability of litigation, or a unique issue not previously addressed, Records Manager will contact the City Attorney's Office, who will advise on how to proceed with the request.

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## Method for Responding to an Oral or Written Public Records Request

