

## PUBLIC RECORDS POLICY

It is the policy of the City of Mason that openness leads to a better-informed citizenry, which leads to better government and better public policy. The City of Mason will make every effort to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request will 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.

### **Section 1. Public records**

The City, in accordance with the Ohio Revised Code, defines **records** as including 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 Mason are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

#### **Section 1.1**

It is the policy of the City of Mason that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

### **Section 2. Record requests**

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

#### **Section 2.1**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow us to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

#### **Section 2.2**

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. It is the City of Mason's general policy that this information is not to be required.



### Section 2.3

Public records will be available for inspection during regular business hours, with the exception of published holidays. Public records will be made available for inspection in as prompt a manner as possible. Copies of public records must 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. (See Section 2.4.)

### Section 2.4

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty 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, an approximation of the time when the records will be available will be provided to the requestor.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the (public office) within three business days following the office’s receipt of the request. If a request is deemed significantly beyond “routine,” such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

**Section 2.4a** – An estimated number of business days it will take to satisfy the request.

**Section 2.4b** – An estimated cost if copies are requested.

**Section 2.4c** – Any items within the request that may be exempt from disclosure.

### Section 2.5

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



### **Section 3. Costs for Public Records**

Those seeking public records will be charged only the actual cost of making copies.

**Section 3.1** The charge for paper copies is five cents per page for page sizes up to 11" x 17". Larger page sizes will be charged at cost. Copies that total less than \$1 in charges will be provided free. If the charges are \$1 or more, charges will be due for all pages, including the first twenty. Charges must be prepaid.

**Section 3.2** The charge for downloaded computer files to a compact disc is \$1 per disc. This amount must be prepaid.

**Section 3.3** There is no charge for documents e-mailed.

**Section 3.4** Requesters may ask that documents be mailed to them. They must prepay the actual cost of the copies, postage, and mailing supplies.

### **Section 4. E-mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the organization, functions, policies, decisions, procedures, operations, or other activities of the office. E-mail will be treated in the same fashion as records in other formats and will follow the same retention schedules.

**Section 4.1** – Records in private e-mail accounts used to conduct public business are subject to disclosure. All employees or representatives of this office have been instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

**Section 4.2** – E-mails from private accounts as records of the public office, will be filed appropriately, retained per established schedules, and made available for inspection and copying in accordance with the Public Records Act.

### **Section 5. Failure to respond to a public records request**

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

