
CITY OF THE VILLAGE OF INDIAN HILL PUBLIC RECORDS POLICY

I. PURPOSE:

The City of the Village of Indian Hill, hereafter referred to as the City, acknowledges that it maintains many records that are used in the administration and operation of the City. In accordance with state law, the City has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium that are created, received, or sent under the jurisdiction of the City and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City. The records maintained by the City and the ability to access them are a means to provide trust between the public and the City.

II. SCOPE:

Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.

The period of time for which the City stores or maintains records was determined by assessing the administrative, legal, fiscal, and/or historical value of the records to the City, efficient business practices, and by reviewing the suggested retention periods developed by the Local Government Records Program for the Ohio Historical Society.

III. DEFINITIONS:

- A. "Records." The City uses the definition of "records" contained in Ohio Rev. Code § 149.011(G).
- B. "Public Record." The City uses the definition of "public records" contained in Ohio Rev. Code § 149.43(A)(1).
- C. "Redaction." The City uses the definition of "redaction" contained in Ohio Rev. Code § 149.43(A)(13).
- D. "Confidential law enforcement investigatory record." The City uses the definition of "confidential law enforcement investigatory record" contained in Ohio Rev. Code § 149.43(A)(2).
- E. "Medical record." The City uses the definition of "medical record" contained in Ohio Rev. Code § 149.43(A)(3).
- F. "Trial preparation record." The City uses the definition of "trial preparation record" contained in Ohio Rev. Code § 149.43(A)(4).
- G. "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information." The City uses the definition of "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information" contained in Ohio Rev. Code § 149.43(A)(7).

- H. “Firefighter” means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.
- I. “EMT” means EMTs – basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. “Emergency medical service organization,” “EMT – basic, EMT – I, and “paramedic” have the same meanings as in section 4765.01 of the Revised Code.

IV. FEES:

- A. The City, in accordance with Ohio Rev. Code § 149.43(B)(6), may require that the requester pay in advance the cost involved in providing the copy of the public record, and has established the following fees for providing copies or reproductions of public records maintained by the City:
 - 1. For photocopies of either letter or legal size documents, the fees shall be as follows:
 - a) For the first through the twenty-fifth photocopy, there will be no charge.
 - b) For twenty-six or more photocopies, there is a fee of five (5) cents per photocopy calculated from the first photocopy.
 - c) Two-sided photocopies shall be charged at a rate of five (5) cents per side.
 - d) For videotapes, CDs, DVDs, cassette tapes or for any other type of media, the fee shall be the replacement cost of the blank media or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy. If the City creates the copy, a reproduction fee may not be charged.
 - e) Reasonable prices are to be established for oversized documents (such as zoning maps, etc.) and documents in other formats (microfilm, photographs, film, audio tapes, or video tapes) and charges should be assessed by each department and reasonably represent the actual cost to produce the record.
 - f) Established costs/fees under this policy shall be clearly posted and visible to the public.
 - 2. There may be instances when the City may be able to provide copies made in-house without disrupting its normal functions, but only over an extended period of time. In that instance, the City may offer the requester the options of: (1) having the documents produced through a faster method by employing temporary personnel and equipment; (2) using an external private contractor; or (3) having the documents produced in-house by this public office’s normal staff and equipment in a less efficient and more time-consuming manner. Should the requester select option one or two, the requester must pay the costs incurred by the City for such service.

V. AVAILABILITY:

- A. All public records maintained by the City shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours, generally, Monday through Friday, 8:00 a.m. to 5:00 p.m., with the exception of published holidays.
 - 1. “Prompt” and “reasonable” take into account the volume of records requested, including the time and resources needed to make them available; the proximity of the location where the records are stored; and the necessity for any legal review of the requested records.
 - 2. City records are organized and maintained so that they are readily available for inspection and copying.
 - 3. Record retention schedules will be updated regularly and available for all departments through the City Manager's office.
 - 4. No record shall be removed, changed, modified or destroyed except by a City employee in the performance of his or her official duties and as authorized under state or federal law.
- B. Individuals requesting access to inspect public records and/or to receive copies of public records are not required to reveal their identity or the reason for their request.
 - 1. The requester must at least identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records.
 - a) The City may ask the requester to voluntarily complete a written request explaining or identifying the records they wish to inspect and/or receive copies of, particularly if it would enhance the ability of the City to identify, locate, or deliver the requested public records. The City will first advise the requester that a written request is not mandatory.
 - 2. In no event shall an individual be denied access to inspect and/or obtain copies of public records based on their refusal to identify themselves or complete a written request.
- C. The City does not limit the number of public records that it will make available to a single person, and does not limit the number of public records that it will make available during a fixed period time.

VI. HANDLING REQUESTS:

- A. No specific language is required to make a request for public records. However, the requestor must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records.
- B. The City Manager, under the authority and direction of the City Council, has designated an employee within every department, office or function under their direction to act as the custodian of records for their assigned unit. The person may be the department head or a capable designee. It should be someone who is familiar with the overall responsibilities of the department, office or function and

the records it creates and maintains. The department records custodian will be the contact person for any records-related matters.

- C. Requests for the inspection and/or copies of public records shall be directed to the office, department or function that maintains the record. The City has established general Schedules for Record Retention and Disposition (RC-2) for the following offices, departments or functions to assist in the organization of records for production:
 - 1. General Administration (which includes City Manager, Clerk of Council, Health Department, and Solicitor)
 - 2. City Engineer/Project Manager
 - 3. Finance
 - 4. Information Technology
 - 5. Mayor's Court
 - 6. Personnel Management/Human Resources
 - 7. Planning & Zoning
 - 8. Police
 - 9. Public Works
 - 10. Recreation Commission
 - 11. Rowe Arboretum
 - 12. Water Works
- D. Each office, department or function must maintain its records in accordance with laws establishing record retention periods for specific classes of records; and with the approved records retention schedules of the City. The City's Schedules of Records Retention and Disposition are available at the City Administration building, 6525 Drake Road, Cincinnati, OH 45243.
- E. The City will evaluate records requests for an estimated length of time required to gather the records.
 - 1. The City will either satisfy record requests in a reasonable time, or will acknowledge records requests in writing within a reasonable time following the receipt of the request.
 - 2. Routine requests for records will be satisfied as soon as practicable (e.g., meeting minutes, budgets, and salary information can be more quickly produced than records that require research, compilation, and redaction).
 - 3. Request of records that are readily available in electronic format that can be e-mailed or downloaded easily, should be made available as soon as practicable.
 - 4. Requests beyond "routine," including requests for voluminous number of copies or requiring extensive research, will be acknowledged as soon as practicable with the following information:
 - a) The estimated number of business days it will take to satisfy the request;
 - b) An estimated cost if copies are requested; and
 - c) An explanation of any items within the request that may be exempt from disclosure.

5. The City has not established a fixed period of time before it will respond to a request for inspection or copying of public records.
- F. This Policy does not allow a person seeking a copy of a public record to make the copies of the public record.
- G. In processing a request for inspection of a public record, an office employee must accompany the requestor during inspection to make certain original records are not taken or altered.
- H. Currently incarcerated individuals are not permitted to inspect or obtain a copy of a public record concerning a criminal investigation unless the judge who imposed the sentence first finds that the information is necessary to support what appears to be a justiciable claim.
- I. If a requester makes an ambiguous or overly broad request or has difficulty making a request for copies or inspection of public records and the City cannot reasonably identify what public records are being requested, the City may deny the request, but will provide the requester an opportunity to revise the request by informing him or her the manner in which the City records are maintained and accessed.
- J. Requests for records that are not maintained, or records that are prohibited from release pursuant to state or federal law, are processed in the following manner:
 1. If the City receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be so notified in writing that one of the following applies:
 - a) The request involves records that have never been maintained by the City; or
 - b) The request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable City Schedules of Record Retention and Disposition (RC-2); or
 - c) The request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1).
 2. If the record that is requested is prohibited from release due to applicable state or federal law, the responsible City employee shall respond to the requester, citing the applicable state or federal law.
 3. If the record that is requested is not a record used or maintained by the City, the requester will be notified that in accordance with Ohio Public Records law, the City is under no obligation to create records to meet public record requests.
 4. The City will not provide records that do not exist at the time of the response to Public Records request, or records that are acquired after a response to a request is complete.
- K. In processing a public records request, the City does not have the obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

L. If a request is made by a member of the media or the request presents a high probability of litigation, or any complex or unique issue, the recipient of the request must notify the City Manager.

M. Media Types/Distribution of Records

1. If a person requests a copy of a public record, the City shall permit the requester to have the public record duplicated on paper or upon the same medium upon which the City maintains the public record, or upon any other medium on which the City determines the record can reasonably be duplicated.
2. The request shall be acted upon and a copy of the public record prepared within a reasonable period of time. Fees shall apply in accordance with section IV of this policy.
3. A requestor may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records, such as FedEx, UPS, fax or email. The cost of transmitting must be paid by the requestor before the public records will be transmitted. There is no charge for documents emailed. While the City is under no obligation to provide records in electronic format, it is the policy of the city to provide information to the public in the most convenient way that is practical, considering all of the circumstances. Therefore, if the city receives a request for information to be made available in electronic format, such request will be forwarded to the public records custodian for a determination as to whether such information will be generated and released in an electronic format.

N. Personnel and Personal Information:

1. The City Manager, under the authority and direction of the City Council, manages the personnel management function for the City.
2. To better facilitate requests for inspection or information and/or copies of records involving current or past employees of the City, inquiries for personnel files and personal information shall be directed to the Director of Administrative Services under the office of the City Manager.
3. To the extent practicable, current and past employees will be notified if a request has been made to inspect or obtain a copy of their employment related records. Current and past employees have the right to be present during the inspection and if they so request, receive a duplicate copy of any record requested at no charge.

O. Electronic Records

1. Documents in electronic format are records as defined by the Ohio Revised Code when their content relates to the business of the office.
2. Records in the form of e-mail, text messaging, and instant 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.

3. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the City are required to retain their email records and other electronic records in accordance with applicable records retention schedules.
4. Storage devices and systems for storing electronic records throughout the records retention lifecycle must meet the following requirements.
 - a) Permit easy retrieval in a timely fashion; and,
 - b) Retain records in an accessible format until their authorized disposition date.

P. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person will be advised that:
 - a) They may contact the City Manager; or
 - b) Ohio Rev. Code § 149.43(C)(1) provides a legal means for addressing a complaint in these disputes.

Q. A copy of the most recent edition of the Ohio Sunshine Laws manual is available at <https://www.ohioattorneygeneral.gov/yellowbook> for the purposes of keeping employees of the office, and the public, educated as to the offices obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws, and Personal Information Systems Act.

VII. EXEMPTED AND/OR RESTRICTED INFORMATION:

- A. In accordance with state and federal law, Social Security Numbers are exempt from the Public Records Act. Public records containing Social Security Numbers will have that information redacted prior to their release.
- B. In the event a request is made to inspect and/or obtain a copy of a record maintained by the City whose release may be prohibited or exempted by either state or federal law, the request will be forwarded to the City's legal counsel for review. The person submitting the request will be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the City.
- C. Records, whose release is prohibited or exempted by either state or federal law, shall not be subject to public inspection. The following represents a partial list of records that may be maintained by the City, but that will not be inspected or copied:
 1. Medical records--Ohio Rev. Code § 149.43(A)(1)(a);
 2. Trial preparation records--Ohio Rev. Code § 149.43(A)(1)(g);
 3. Confidential law enforcement investigatory records--Ohio Rev. Code § 149.43(A)(1)(h);
 4. Criminal background and other law enforcement information from the LEADS database--State ex rel. Master v. Cleveland (1996), 76 Ohio St. 3d 340 (1996);

5. Peace officer, firefighter and EMT residential and familial information--Ohio Rev. Code § 149.43(A)(1)(p) (except where permitted under other sections of the Ohio Revised Code);
6. Security and infrastructure records--Ohio Rev. Code § 149.433;
7. Home addresses of City employees, unless the employee is subject to a residency requirement--State ex. rel. Dispatch Printing Co. v. Johnson, 106 Ohio St. 3d 160, 833 N.E.2d 274 (2005);
8. E-mails that do not document the organization, functions, policies, decisions, procedures, operations, or other activities of the City --State ex rel. Wilson-Simmons v. Lake Cty. Sheriff's Dept., 82 Ohio St. 3d 37 (1998);
9. Attorney-client privileged records--State ex rel. Taxpayers Coalition v. City of Lakewood, 86 Ohio St. 3d 385 (1999); State ex rel. Nix v. Cleveland, 83 Ohio St. 3d 379 (1998); State ex rel. Alley v. Couchois, 1995 Ohio App. LEXIS 4094 (2d Dist. Sept. 20, 1995);
10. Information related to and maintained in accordance with the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA) and the Health Information Portability and Accountability Act (HIPAA). Those statutes require that qualifying personal medical information be kept separate from regular personnel information, and maintained in a secured area. Such information may be released only to:
 - a) Supervisors and managers in order to provide information regarding work restrictions;
 - b) First aid or safety personnel if the disability would require treatment or procedures related to the disability;
 - c) Government officials investigating compliance with ADA, FMLA and HIPAA provisions;
 - d) With respect to Bureau of Workers' Compensation injury funds or in compliance with workers' compensation laws; or
 - e) Insurance companies that require medical examinations to provide health or life insurance for the employee.

VIII. REDACTING EXEMPTED RECORDS / PROCEDURE:

- A. A redaction is a denial of a public records request, unless state or federal law authorizes or requires the redaction. Therefore, the City will notify the requester of any redaction or make the redaction plainly visible. Remaining public information will be provided.
- B. When a redaction is made to a requested public record, the City will provide the requester with an explanation, including legal authority, setting forth why the information was redacted. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.

IX. PROCEDURE FOR RELEASING REDACTED RECORDS:

- A. After reviewing the requested record and determining that it contains non-releasable information, the releasing employee shall make a copy of all pages containing the excluded information.
- B. The releasing employee shall then place the date, initials, and the name of the requester (person seeking the information if they will provide their name) on the reproduced page.
- C. The releasing employee shall then color over the restricted information on the reproduced copy with a black marking pen, or white out in a neat manner.
- D. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
- E. The first reproduction page, with the original redactions made by the employee, is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.
- F. If a request is made for an electronic record, and the record contains protected information, the record will be printed, and exempt information redacted according to the policy of redaction of records listed in this policy. Protected information will not be redacted electronically.

X. AMERICAN WITH DISABILITIES ACT (ADA) COMPLIANCE:

The City and its employees will facilitate requests made by all persons, regardless of handicap or disability. Employees authorized to release public records will make all reasonable accommodations to ensure that public access is not denied based on a handicap or disability.

XI. POSTING:

This Policy will be posted in the Administration Building, and Public Works Building. This Policy may also be posted on the City website. The City will incorporate this policy into all handbooks or policy manuals furnished by the City to its employees.

XII. TRAINING:

All elected officials' designees shall attend the public records training approved by the Ohio Attorney General.

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