

ADMINISTRATIVE POLICY AND PROCEDURE
AP # 56

SUBJECT: CITY OF TOLEDO PUBLIC RECORDS POLICY

DATE ISSUED: October 26, 2007

Amended March, _____, 2009

Reaffirmation Date: Sept. 1, 2011

INTRODUCTION

It is the policy of the City of Toledo (“City”) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City to strictly adhere to the State of Ohio’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 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,

Section 1. Public Records

The City, pursuant to TMC Chapter 108 and in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including but not limited to email) 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 are public unless they are specifically exempt from disclosure under Federal Law, the Ohio Revised Code or applicable court precedent.

Section 1.1

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

Section 2. Record Requests

Each request for public records should 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 the public office 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

Unless otherwise required by law, 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's general policy that information is not to be requested.

Section 2.3

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account, among other things, 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.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should 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 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (See Section 2.4.) or be acknowledged in writing by the public office within one week 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 shall be at the rate established by Section 108.02 of the Toledo Municipal Code.

Section 3.2 The charge for downloaded computer files to a compact disc is \$1 per disc or as set by Section 108.02 of the Toledo Municipal Code.

Section 3.3 There is no charge for documents emailed.

Section 3.4 Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4 Email

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of the City are instructed to retain their emails that relate to public business (See Section 1 – Public Records.) and to copy them to their business email accounts and/or to the department’s records custodian.

Section 4.2 The records custodian is to treat emails from private accounts as records of the public office, 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.

EFFECTIVE DATE: This Administrative Policy and Procedure shall take effect and be enforced from the date of issue.

Michael P. Bell, Mayor

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