



PUBLIC RECORDS POLICY

To facilitate prompt access to public records and to ensure compliance with the Ohio Public Records Act (Ohio Revised Code 149.43), all employees responsible for making City of Lakewood records available to the public are expected to comply with the City of Lakewood's Public Records Policy.

Public Records are defined as any item that meets **all** three of the following definitions:

1. Stored on a fixed medium (for example, paper, computer, film and email)
2. Created, received, or sent under the jurisdiction of a public office;
3. Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (Ohio Revised Code 149.011(G))

I. Making a Request

To facilitate a timely response, members of the media seeking records should submit requests to the Law Department. Any other member of the public should submit requests to the City department having custody or control of the records.

If the City department (1) is unsure whether the requested records are public records or may contain information that is exempt under the law (e.g., law enforcement, trade secret, medical information), or (2) receives a records request from an attorney, it is to immediately notify the Law Department for guidance.

Although no specific language is required to make a request, the requester must at least identify the records requested with the sufficient clarity and specificity to allow the public office to identify, retrieve, and review the records. The City may decline to create a record that contains the information requested if the record does not already exist, or to seek out and retrieve records that contain specific information that may be of interest to the requester.

Requests may be made in person, by telephone, or in writing (including e-mail). The City may not condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Should it facilitate a response or enhance the ability of the City to identify, locate, or deliver the public records sought by the requester, the City may inquire about the requester's identity and/or the intended use of the information requested. The City may do so, however, only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal his or her identity or to provide information about the intended use of the requested information.

II. Assisting with Requests

If a requester makes an ambiguous or overly broad request or has difficulty in making a request such that the City cannot reasonably identify what public records are being requested, the City is to provide the requester with an opportunity to revise the request. In doing so, the City shall assist the requester by informing the requester of the manner in which the department keeps its records.

Should a request not be considered “routine”, such as a request seeking a voluminous number of copies or requiring extensive research or review, the City department should, whenever practicable, follow-up with a response indicating that it is in receipt of the request and that responsive records will be promptly made available for inspection or copied within a reasonable period of time. The City may not limit the number of public records requests that a single individual can make, nor limit the number of public records that will be made available during a fixed period of time.

When a public records request is made to examine a personnel file, the City department will, to the extent practicable, notify the employee that his or her records have been requested and, if known, the name of the individual making the request. Any request for law enforcement or firefighter personnel records shall be immediately forwarded to the Law department for redaction pursuant to the applicable statute.

III. Making Records Available and Payment for Records

Public records are available for inspection during regular business hours, with the exception of published holidays, and the City will provide copies of records within a reasonable period of time following the request. Records cannot always be made available for inspection or copying upon demand. Records must often be reviewed and non-public information removed before inspection or copying is permitted. The amount of time that records will be made available to a requester will depend upon, among other things, the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact information. The City department shall make available a copy of its records retention schedule upon request. The City General Retention Schedule can be requested from the Records Retention secretary via the Law Department.

The City may require prepayment of costs associated with producing copies, including copying and mailing expenses. The City may only charge only its actual costs of producing copies of the records. Paper copies: 5 cents per page; downloaded computer file on a compact disc: \$1.00 a disk.

IV. Denial of Records or Information contained in a Record

When making a public record available for public inspection or copying, the City shall notify the requester of any redaction or make the redaction plainly visible. A redaction (i.e., removal of information) is permissible so long as authorized under applicable law. Social Security numbers are to be removed from a document before it is released. Records containing client-attorney privilege or work product for trial preparation are exempt from public disclosure.

If a record is ultimately denied, in part or in whole, the City shall provide the requester with an explanation, including legal authority, setting forth why the record was not provided. If the initial request was provided in writing, the explanation also shall be in writing. The City department is to contact the Law Department before denying any request in whole or in part-unless it has previously consulted with that office regarding applicable legal authority.

V. Contacting the Law Department

Should requesters not receive a communication from the City within 10 business days of issuing the request, they are encouraged to contact the Law Department at (216) 529-6030.

(Revised August 12, 2008)