

VILLAGE OF BRATENAHL PUBLIC RECORDS POLICY

Introduction:

It is the policy of the Village of Bratenahl that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village to adhere to the state's Public Records Act. 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 Village's explanation will also be in writing.

Section 1. Public records

The Village, in accordance with the Ohio Revised Code, defines records as including the following: 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 the Village that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Village. All records of the Village are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1.

It is the policy of the Village that, as required by Ohio law, to the extent possible, the Village's records (exclusive of those records maintained by the Police Department that are exempt from disclosure) 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 will be updated regularly and posted.

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 the Village to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the Village keeps its records.

EXHIBIT A

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 Village's general policy that the Village will not inquire as to this information.

Section 2.3.

Public records will be available for inspection during the Village's regular business hours. Public records will be made available for inspection promptly. Copies of public records will 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.

Section 2.4.

Each request will 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, budgets, salary information, forms and applications, and 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 e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records will either be satisfied (see Section 2.4) or be acknowledged in writing by the Village within five business days following the Village'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 will include the following:

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

Section 2.4(b). An estimated cost if copies are requested.

Section 2.4(c). An identification of the items within the request that may be exempt from disclosure.

Section 2.5.

Any denial of public records requested will include an explanation, including (if applicable) appropriate legal authority. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. If there are redactions, the redactions will be accompanied by a supporting explanation, including any applicable 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 10 cents per page.

Section 3.2. The charge for downloaded computer files to a compact disc is \$1.50 per disc.

Section 3.3. There is no charge for documents that are e-mailed, except where compilation of the e-mail attachment requires unusual effort by Village employees or special costs charged to the Village by outside vendors.

Section 3.4.

A requester may ask that documents be mailed to them, providing that the requester pre-pays the cost of the 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 business of the Village. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1. Records used to conduct public business that are stored in private e-mail accounts are subject to disclosure, and all employees of the Village are 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 Village's records custodian.

Section 4.2. The Village's records custodian is to treat the e-mails from private accounts as records of the Village, 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.

Section 5. Failure to respond to a public records request

The Village recognizes the legal consequences of failure to respond properly to a public records request.