



## *CITY OF SANDUSKY PUBLIC RECORDS POLICY*

The City of Sandusky acknowledges that it maintains many records that are used in the administration and operation 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. The City maintains its records in a manner which allows the City to provide the general public prompt inspection of the City's public records, and copies of these records within a reasonable amount of time during its regular business hours from 8:00 am to 5:00 pm, Monday through Friday except published holidays.

The City of Sandusky has a Public Records Policy and Schedules of Records Retention and Disposal (RC-2). If you cannot find these documents, please consult with one of our employees and they will provide you with a copy.



# CITY OF SANDUSKY

## PUBLIC RECORDS POLICY

### **I. Purpose:**

The City of Sandusky acknowledges that it maintains many records that are used in the administration and operation of the City. In accordance with State Law and the City of Sandusky's Records Commission, 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 (paper, computer, film, etc.) 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. (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by the City of Sandusky and the ability to access them are a means to provide trust between the public and the City.

### **II. Scope:**

- A. 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.
  - 1. Each record custodian has a copy of the City of Sandusky's Public Records Policy. (R.C. 149:43(E)(2)).
- B. The City of Sandusky's Public Records Policy, as well as, each of the City Department's Schedule of Records Retention and Disposition (RC-2) are located at every location in which the public may access the City's records.
- C. The City of Sandusky's Public Records Policy is located in the City Manager's policies and procedures manual.
- D. The City of Sandusky displays a poster which generally describes the City's Public Records Policy at every location in which the public may access the City's records.

### **III. Fees:**

- A. The City of Sandusky, in accordance with Section 149.43 of the Revised Code, has established the following fees for providing copies or reproductions of public records maintained by the



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City:

1. For photocopies of either letter or legal size documents, the fees shall be (\$.05) per photocopy calculated from the twenty-fifth photocopy. Advance payment is required before any copies are prepared. Two sided photocopies shall be charged at a rate of (\$.05) per sheet.
2. For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
3. Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

#### **IV. Availability:**

##### **Inspection**

- A. All public records maintained by the City of Sandusky shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of each City department's current records retention schedules. (R.C. 149.43(B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request). Regular business hours for the City of Sandusky are Monday through Friday (except holidays), from 8:00 am to 5:00 pm.
- B. For the purpose of enhancing the ability of the City of Sandusky to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, the City shall provide to the requester Form RC100 for the requester to complete.
  1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
  2. Although the City of Sandusky may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the



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information requested, the requester shall be advised that:

- a. The requests are not mandatory; and
  - b. The requestor's refusal to complete Form RC100 does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
3. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the City of Sandusky whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the City for research and/or review. The person submitting the request shall 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.
- D. Records, whose release is prohibited or exempted by either State or Federal Law, or are not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection.

#### **Public Records Requests**

- A. Mailed Requests for Public Records:
1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the City of Sandusky shall promptly respond to the request.
  2. An authorized employee of the City of Sandusky shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records, and in addition, the



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fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).

3. When practical, the City of Sandusky may forward copied records by any other means reasonably acceptable to the requestor.
  - a. If a person requests a copy of a public record, the City shall permit the requestor to choose 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 record can reasonably be duplicated as an integral part of the normal operations of the City, or the responsible City employee for the public record. (R.C. 149.43(B)(6)(7)).
  - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43(B)(6)).
4. In accordance with section 149.43(B)(7) of the Ohio Revised Code, the City of Sandusky limits the number of requested public records, to be transmitted through the U. S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
  - a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
5. Authorized City of Sandusky employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
  - a. City employees shall promptly process requests.
  - b. Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.



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- B. Written or verbal requests for copies made by the public records requester or their designee shall be processed in the same manner as mailed requests.

#### **Response and Denials**

- A. Requests for inspection and/or copies of public records, which are not maintained by the City of Sandusky shall be 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 requestor shall be so notified in writing utilizing Form RC101 that one of the following applies:
  - a. Their request involves records that have never been maintained by the City;
  - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable City of Sandusky Schedules of Record Retention and Disposition (RC-2);
  - c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
  - d. If the record that is requested is not a record used or maintained by the City, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the City is under no obligation to create records to meet public record requests.

- B. Ambiguous or Overly Broad Request for Public Records

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the designated employee responsible for the requested public record cannot reasonably identify what public records are being requested:



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1. The City may deny the request.
2. However, the City shall provide the requester with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the City in the ordinary course of business. (R.C. 149.43(13)(2)).

#### C. Denial of a Record Maintained by the City of Sandusky

The City may deny request for a record maintained by the City if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
  - a. Employees of the City shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
    - i. Employees may check the appropriate box on Form RC 101 if they are simply applying the statutory exclusion.
    - ii. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the City shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
  - a. If the initial request was provided in writing then the explanation shall also be provided in writing.
  - b. The explanation shall not preclude the City from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

#### D. Redacting Exempted Records/Procedure

1. "Redaction" means obscuring or deleting any information



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that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(11));

- a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
  - b. If a request is ultimately denied, in part or in whole, the City shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43 (B)(3)).
2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the City shall make available all of the information within the public record that is not exempt.
  3. When making that public record available for public inspection or copying that public record, the City shall notify the requester of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
  4. 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.
  5. 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.

#### **Remedy**

##### A. Grievances

1. If a person allegedly is aggrieved due to the inability to





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inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:

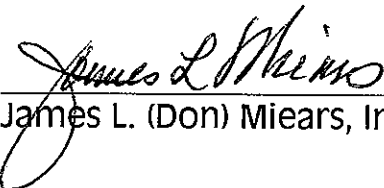
- a. Contact the City Manager of the City of Sandusky.
- b. If the person is not satisfied after contacting the City Manager of the City of Sandusky they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1)(2)).

**V. Training and Education**

The City of Sandusky office continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).

Effective Date: September 29, 2007

Approved by:

  
James L. (Don) Mears, Interim City Manager

*This policy repeals the Records and Document Management Policy enacted on November 28, 2001.*



# City of Sandusky, Ohio Public Records Request Form RC 100

The City of Sandusky, Ohio government belongs to the citizens of Sandusky. We conduct our government activities in the open, and we are proud of our strong commitment to this important principle of democracy.

**While not mandatory, if you fill out this form it will help us provide the public records you are requesting in a more timely fashion.**

Name of Requestor	
Street Address	City, State Zip
Phone Number	Today's Date
With as much specificity as possible, please describe what records you want to review. PLEASE PRINT.	
<p>The City of Sandusky, Ohio provides photocopies of public records according to the following schedule: <b>24 copies or less – no charge. 25 copies or more -- five cents each (calculated from the 25th copy).</b> All requests require advance payment. <b>Mailing charges are assessed at actual cost.</b> There is no charge to inspect records while in the City of Sandusky buildings. Please check your preference below.</p> <p>I would like to inspect these records in the building when they are ready.</p> <p>I would like these records copied, and I will pick them up when they are ready.</p> <p>I would like these records copied and mailed to me at the address on this form.</p>	
Name of City of Sandusky employee handling request	Date request was completed



**City of Sandusky, Ohio  
Public Records  
Form RC 101**

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**Persons requesting twenty five (25) or more copies will be required to pay a fee of five cents per copy. Prepayment is required.**

Name of Requestor – See RC 100	
Number of copies requested _____ @ \$.05 per page	Total fee: \$ _____.
Copies of other materials (video tape, cassette, etc) <small>See attached schedule for applicable fees.</small>	Total fee: \$ _____.
Receipt number _____	Total fee: \$ _____.
<b>Record(s) not available:</b>  Record has never been maintained by the City <input type="checkbox"/> Record is no longer maintained or has been disposed of or transferred pursuant to RC-2 <input type="checkbox"/> Record has been disposed pursuant to an application of One-Time Records Disposal RC-1 <input type="checkbox"/> Record is prohibited from release due to an applicable state or federal law. <input type="checkbox"/>  (State the applicable state or federal law ) _____	
<b>Record provided <u>is not</u> in the form of a paper document</b> <input type="checkbox"/>  Cassette tape <input type="checkbox"/> Video tape <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/>	
<b>Record is prohibited or exempted by law:</b>  Record has been forwarded to legal counsel for research / review <input type="checkbox"/> Record has been reviewed and release has been denied by legal counsel <input type="checkbox"/> Record has been reviewed by legal counsel and records are to be released <input type="checkbox"/>	
<b>Record has been reviewed and contained non-releasable material</b> <input type="checkbox"/>  Upon review, non-releasable material has been redacted <input type="checkbox"/> Releasing employee has noted the date, initials, and name of the requestor on a copy of the reproduced page <input type="checkbox"/>	
Name of City of Sandusky employee handling request	Date request was completed