

CITY OF KENT PUBLIC RECORDS POLICY

Approved:


Dave Ruller

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PURPOSE:—Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is our mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio’s Public Records Act.

The City of Kent ("City") will comply with the Ohio Public Records Act. Records of the City that are not exempt from disclosure under the law are available for inspection and copying in accordance with the Ohio Public Records Act.

It is the policy of the City that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record Retention Schedules are to be updated regularly and a copy shall be kept at a location readily available to the public.

PROCEDURE:

I. PUBLIC RECORDS DEFINITIONS

- A. "Records" Includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, function, policies, decisions, procedures, operations, or other activities of the office.
- B. "Public Record" means a record kept by a public office that has information stored on a fixed medium (tapes, e-mails, photos, films, videos, papers, etc.), and is created or received by, or coming under the jurisdiction of, a public office, and documents what the public office does; the organization, functions, policies, decisions, procedures, operations or other activities of the public office
- C. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record."



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- D. "Electronic record" This shall describe data which is not on hard copy, and which can only be retrieved via computer access. If the requested record from an electronic data base is a standard report or document commonly used as a "Public Record," it shall be produced and provided at the standard rate for copying documents.
- E. "Records research" This refers to special extraction reports which require special review, search, or analysis of groups of records to ascertain specific data, or review of computer data to create reports that are not a part of the daily operation of the City. Since this is not a "public record" per se, it is not a record that can be presented for review or copy. Special extraction requests for publicly held data in custom or unique format may only be entertained if the Requester compensates the City for labor, equipment time and materials.

II. AVAILABILITY.

- A. Each request for Public Records should be evaluated for a response using the in this policy.
- B. 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 city department to identify, retrieve, and review the records. If it is not clear what records are being sought, the Records Custodian must use reasonable effort to contact the Requester for clarification, and should assist the Requester in revising the request by informing the Requester of the manner in which the Department keeps its records.
- C. Each Requester shall be asked to provide his/her request in writing. However, it is within the Requester's rights not to: (a) disclose the Requester's identity to the City when records are requested; (b) provide the City with a written request; (c) provide a reason why records are requested. No person shall be refused access to Public Records based on their refusal to submit a written request for the record. You may direct your requests to:

City of Kent Law Department, Attn: Law Director
320 S. DePeyster Street.
Kent, Ohio 44240
(330) 678-81619 OR jonesh@kent-ohio.org



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- D. Public Records are 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 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.
- E. All Public Records shall be prepared in a timely fashion and made available for inspection by any person at all reasonable times during regular business hours. Upon request, the custodian or their designee shall make copies available at the established cost, within a reasonable amount of time.
- F. Most requests for a single document shall be provided at the time the request is made, provided the document is readily available.
1. If a request is made for records that are not immediately available due to being off site or in long term storage, or the request is too voluminous to fill, the Requester shall be advised of the reasonable period of time within which the request shall be filled.
 2. For single report requests, this shall not exceed forty-eight hours (excluding holidays and weekends).
- G. In the case of a large request, the office receiving the request shall estimate the required amount of time to comply and the cost of duplication. This cost shall be calculated in advance, and collected prior to the release of any public record.
- H. Request forms for single reports shall be filed with the report after it is provided. If a written form is part of the request, no City request form is necessary.
- I. Mail-in requests for documents shall be provided in a timely basis by return mail if the required fee accompanies the request.
1. Requests for single reports of up to six pages shall be provided by return mail.
 2. Requests of a more complex nature may require contact with the Requester for clarification and discussion of the fees as may be required to complete the request.



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3. Mail requests for reports submitted by for-profit agencies when the use or forwarding of the record is intended for commercial purposes, may be limited to ten per month.
- J. If a citizen feels aggrieved by the failure to obtain or view a public record maintained for the operation and administration of the City of Kent, the following will apply:
1. The citizen may file an administrative appeal with the Law Department. If the dispute originates with the Law Director, an appeal may be filed with the City Manager's office, where the City Manager or a designate may be assigned to resolve the dispute.
 2. The citizen shall also be advised that ORC 149.43 provides a legal means for addressing their complaint in such a dispute.
- K. When requested, the requester may specify the choice of medium in which the record may be provided. The Ohio Revised Code provides for the following in this case.
1. The public office or person responsible must permit the Requester to choose to have the record duplicated on:
 - i. Paper,
 - ii. Upon the same medium upon which the public office or person responsible keeps the record, or
 - iii. Upon any other medium which the public office or person responsible determines that the record can reasonably be duplicated as an integral part of normal operations.
 2. A request in medium other than paper does not require any formatting or compilation of data beyond the manner in which the record is stored. Such a request for any alternative format or recompilation shall be considered a "special extraction request," which shall provide for reasonable fees for personnel and equipment time, as well as the cost of the media for the duplication.
 3. Requests for copies records on an alternate medium shall be provided on materials supplied by the City, at the cost to the Requester. No user-supplied media shall be used, to protect the integrity of the document storage medium.



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4. No proprietary files or materials (software programs, etc.) shall be provided to the Requester as a part of an alternative media request. Software or other equipment necessary for accessing the duplicate records shall be the Requester's responsibility. Proprietary media includes word processing software, data compilation software, or other materials which the City may use under the various licensing agreements with the vendor.

III. REDACTING EXEMPTED RECORDS / PROCEDURE.

Any denial of Public Records requested must include an explanation, including legal authority. Contact the Law Department for assistance in providing this 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. If the initial request was provided in writing, the explanation also shall be provided to the Requester in writing. If redactions are made to the document, both the original and redacted version of the record must be kept in the compliance with section VI, below.

IV. COSTS FOR PUBLIC RECORDS

- A. Those seeking Public Records will be charged only the actual cost of making copies.
- B. The charge for paper copies, 8 1/2 x 11" paper, is Five Cents (\$0.05) per page. For requests up to nineteen (19)-8 1/2" x 11" sized pages, the City may provide copies at no charge. Copies totaling more than nineteen (19) pages, audio/video copies, color copies, or copies that are not 8 1/2 x 11" may be made by an outside copying service and the party requesting such copies shall pay the actual costs charged by the copying service, including any pickup and delivery charges.
- C. The charge for downloaded computer files to a compact disc is the actual cost of the disc.
- D. There is no charge for documents which are e-mailed
- E. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- F. If a Requester chooses to obtain a copy of a Public Record, the City may require the Requester to pay in advance the cost involved in providing the copy, including postage.



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- G. The Requester has the right to choose the medium that the record is delivered, so long as the City has the ability to produce the records in the requested medium.

V. MANAGING RECORDS

City of Kent records are subject to records retention schedules. The office's current schedules are available at the City of Kent Law Department, a location readily available to the public as required by section 149.43(b)(2) of the Ohio Revised Code.

VI. DOCUMENTATION OF PUBLIC RECORDS REQUESTS

- A. The Law Department shall keep an appropriate list/file for documenting the processing of each Public Records request. The list shall include the Requester's identifying information, if any, the date of the request, the date of the response, the person handling the request and response, the documents provided (both redacted and unredacted, if applicable).
- B. With the exception of accident reports requested of the Police Department, any Department that processes a Public Records request without the assistance of the Law Department must provide the information and records described in D.1, above to the Law Department in order for the request to be "logged."

VII. AMERICANS WITH DISABILITIES ACT COMPLIANCE.

- A. The City of Kent and its employees shall facilitate all requests made by citizens, regardless of handicap or disabilities. Employees of the City of Kent, authorized to release Public Records, shall take all reasonable steps to ensure that no one is denied access to public information on the basis of a handicap or disability.
- B. The City of Kent and its employees shall follow all standards and guidelines established by local, state and federal laws or mandates, as it pertains to the Americans with Disabilities Act and other applicable laws.



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C. Examples of methods to facilitate include:

1. Enlarging records by copying on a copier with enlarging capability turned on to assist someone with a vision impairment.
2. Providing someone to read a report for a Requester who cannot see.
3. Providing basic, general records information in a brail format.
4. Helping an impaired person complete the request for records form.

VIII. POSTING POLICY

Public Records policy poster shall be posted in conspicuous places in City buildings open to the public. The Law Director shall ensure that the posters are posted in the proper location.

IX. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The City recognizes that the consequences of failing to promptly respond to a Public Records request in accordance with the law may result in a court ordering the City to comply with the law and to pay the Requester attorney's fees and statutory damages.

Request Form Attached



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Records Request Form

Date: _____

Department where records are located, if known: _____

Name of Requester: _____

Address: _____

City, State _____

Daytime phone number: _____

Representing (if applicable) _____

If request is for an Incident Report, please provide the following:

Type of Incident: _____

Address of Incident: _____

Date and Time of Incident: _____

Incident Number, if known: _____

Is there an active criminal prosecution regarding this Incident? _____

If the request is for an Administrative Report, please provide the following:

Describe type of record requested: _____

Approximate date of original report (if available): _____

Other explanatory information: _____

All other requests, please clearly describe the records that are requested: _____



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Access to information concerning the conduct of the People's business is a right of every person in this city. Records of the City of Kent which are not exempt from disclosure under the law are available for inspection and copying in accordance with the Ohio Public Records Act. Requests for records may be made during regular business hours to:

The Law Department
(330) 648-8169
320 S. Deypeyster Street
Kent, Ohio 44240
ionesh@kent-ohio.org

You may view the records you have requested at all reasonable times during the regular business hours of this office. If you wish to view public records of the City, we will promptly make them available to you. If you wish to receive copies of records, we will provide them 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.

Once we have received your request, we will provide our response or acknowledge your request and provide you with: an estimate of when you should expect our response, an estimated cost if copies have been requested, and the items (if any) that we expect may be exempt from disclosure. If at any time prior to completing our response, we believe our response will take longer than initially estimated (because of the volume of records requested, the proximity of location where the records are stored; or the complexity of the legal review); we will inform you of this change.

It is within your rights not to:

- Disclose your identity to the City of Kent when you request records (you will be given a "public records request number" which we will use to track our communications with you and our response(s) to your request);
- Provide our office with a written request; and
- Provide a reason why you have requested these records.

If any portion of your request for records must be denied because the records are exempt from disclosure under the law, we will inform you which records you have requested are not public by clearly marking the portion "redacted" or we will explain which portions of the record(s) have been redacted. In addition, we will provide you with the legal authority upon which we have relied.

Please note that if we have denied your request because it is overbroad, ambiguous, or doesn't reasonably identify our records, we will provide you with information about how our records are maintained and if you wish, you may revise your request for the records.

A fee for copies of public records may be charged which covers the direct costs of duplication incurred by the City of Kent. In addition, actual cost of postage or other delivery may be charged. We may require payment of these fees prior to processing your request. It is the policy of the City of Kent to waive charges to a requestor for duplication of 20 pages or less per month.

Feel free to ask our Law Department any questions you may have about public records.