



City of Delaware Public Records Policy

It is the mission and intent of the City of Delaware to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act

DEFINING PUBLIC RECORDS: All records kept by are public unless they are exempt from disclosure under Ohio law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying. A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the city that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

MANAGING RECORDS City of Delaware records are subject to records retention schedules. The office's current schedules are available at City Hall, a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code. They can be emailed to a requester upon request.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website (www.ohioattorneygeneral.gov) for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

ELECTRONIC RECORDS: Electronic records, such as email, are to be treated in the same fashion as records in other formats, such as paper. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

SUBMITTING A RECORDS REQUEST: No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office will contact the requester for clarification, and will assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

RESPONSE TIMEFRAME: Public records are to be available for inspection during regular business hours, with the exception of published holidays. Copies of public records will be made available within a reasonable period of time. "Reasonable" takes into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review and redaction of the records requested. It is the goal of the city that all requests for public records should be acknowledged in writing.

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. However, city may request the requestor's identity, and/or the intended use of the information requested where a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested. In this case, the city will tell the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

CREATING A NEW RECORD TO FILL A REQUEST: In processing a public records request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

DENIAL OR REDACTION OF RECORDS: If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office. Any denial of public records requested will include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible.

COPYING AND MAILING COSTS: Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is \$.05 cents per page for black and white and \$.10 for color copies. The charge for electronic files downloaded to a compact disc is \$1.00 per disc. A requester may be required to pay in advance for costs involved in providing the copy. If a requester asks that documents be mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.