

# **VILLAGE OF HASKINS PUBLIC RECORDS REQUEST POLICY**

The records request policy establishes procedures for responding to requests for public records. This policy supersedes any and all previous records request policies.

## **SECTION 1: MISSION STATEMENT**

1.1 It is the policy of the Village of Haskins that openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Village of Haskins to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

## **SECTION 2: DEFINING PUBLIC RECORDS**

2.1 All records of the Village of Haskins are public unless they are specifically exempt from disclosure under the Ohio Revised Code, or are confidential attorney-client work product or communications.

2.2 All records must be organized and maintained so that they are readily available for inspection and copying.

2.3 Public records are defined to include 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 of Haskins that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

2.4 Documents in electronic mail format are public records when their content relates to the business of the Village of Haskins.

2.5 Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this Village are required to copy their e-mails that relate to public business to their business e-mail accounts and retain them in accordance with applicable records retention schedules.

### **SECTION 3: RECORDS CUSTODIAN**

3.1 The Clerk-Treasurer is the official Public Records Custodian of all records which are centrally maintained by the Village of Haskins. Department heads are the official custodians of all records maintained within their departments. However, all public records requests must be directed to the Clerk-Treasurer or the Village Administrator.

### **SECTION 4: PUBLIC INSPECTION**

4.1 Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly.

4.2 In processing a request for inspection of a public record, the Clerk-Treasurer, Village Administrator or a designee must accompany the requester during inspection to make certain original records are not taken or altered.

### **SECTION 5: REQUEST FOR RECORD COPIES**

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

5.2 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 general policy of the Village of Haskins that this information is not to be requested.

5.3 If a request is for records that may be exempt or prohibited from disclosure, or if the request presents a high probability of litigation or any other unique issue, the Clerk-Treasurer, Village Administrator or a designee must contact the Village Solicitor as the request is being processed.

5.4 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.

5.5 Each request should 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 (both in draft and final form), budgets, salary information, forms and applications, 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.

5.6 All requests for public records must either be satisfied or be acknowledged in writing within three business days following the office’s receipt of the request.

5.7 In processing the request, the Village of Haskins 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 should accommodate the requestor by generating new records, in order to make otherwise public records available and protect records that are legitimately exempt from disclosure, when it makes sense and is practical under the circumstances.

## **SECTION 6: DENIAL OR REDACTION OF A REQUEST**

6.1 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.

6.2 Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing.

6.3 If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released.

6.4 All redactions shall be plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

## **SECTION 7: COPYING AND MAILING COSTS**

7.1 Those seeking public records may be charged only the actual cost of making copies, not labor:

- The charge for paper copies is 5 cents per page.
- The charge for downloaded computer files to a compact disc is \$1 per disc.

7.2 A requester may be required to pay in advance for costs involved in providing the copy.

7.3 The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or any other medium on which the record can be duplicated.

7.4 If a requester asks that documents be mailed to them, they will be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

## **SECTION 8: RETENTION SCHEDULE**

8.1 The Village of Haskins Records Commission shall establish a Records Retention Schedule which is available for inspection at the Village of Haskins Town Hall.

## **SECTION 9: POLICY POSTING**

9.1 Notice of the Village of Haskins's Public Records Policy will be posted in a conspicuous place at the Town Hall as well as on the Village's official website. All employees of the Village of Haskins will be advised of such postings as well as how they

may download a copy of the most recent edition of the Ohio Sunshine Law Manual.

## **SECTION 10: FAILURE TO COMPLY**

10.1 The Village of Haskins recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, failure to comply with a request may result in a court ordering the Village of Haskins to comply with the law and to pay the requester attorney's fees and damages