



City of  
*Marietta*

Joshua D. Schlicher  
Mayor

OFFICE OF THE MAYOR

Founded in 1788

America's Start of the Northwest Territory

## Public Records Policy/Requests

It is the policy of the Office of the Mayor and the Departments of Public Safety and Service that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this office to strictly adhere to the state Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

### **Section 1. - Public Records**

This office, 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 a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this office are public unless they are exempt from disclosure under the Ohio Revised Code.

#### **Section 1.1**

It is the policy of this office that, as required by Ohio law, records 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 are to be updated regularly and posted prominently.

### **Section 2. - Record Requests**

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

#### **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 this office's general policy that this information is not to be requested. However, the records custodian may ask for a written request and may ask for the requestor's identity and/or intended use of the information requested if (1) it would benefit the requestor by helping the public office identify, locate or deliver the records being sought,

and (2) the requestor is informed that a written request and the requestor's identity and intended use of the information requested are not required.

### **Section 2.3 Record Inspection**

Public records are to be available for inspection from 8 a.m. to 4 p.m., Monday through Thursday and Friday 8 a.m. to 11 a.m. in the Mayor's Office and in administrative offices of the Departments of Public Safety and Service during regular business hours, with the exception of published holidays and vacation of the Records Clerk. 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.

### **Section 2.4 Request Time**

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. 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 must be acknowledged in writing by the public office within three business days following the office's receipt of the request. If a request is voluminous or will require research, the acknowledgement must include the following:

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

**Section 2.4b** - An estimated cost if copies are requested.

**Section 2.4c** - Any items within the request that may be exempt from disclosure.

### **Section 2.5 Record Denial**

Any denial of public records requested must include an explanation, including legal authority. If portions 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.

### **Section 3. - Costs for Public Records**

**Section 3.1** - The charge for paper copies is 5 cents per page.

**Section 3.2** - The charge for downloaded computer files to a compact disc is \$1 per disc

**Section 3.3** - There is no charge for documents e-mailed.

**Section 3.4** - Requesters may ask that documents be mailed to them. They will be charged the actual 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 office. 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 in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office 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 office's records custodian.

**Section 4.2** - The records custodian is to treat the e-mails from private accounts as records of the public office, 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

This public office 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, this public office's failure to comply with a request may result in a court ordering this public office to comply with the law and to pay the requester's attorney's fees, court costs and damages.