



## Public Records Request Policy

### Purpose

At the City of Oxford, we are committed to fostering transparency, accountability, and open governance by implementing Ohio's Public Records Act. We strive to promote a culture of responsiveness, efficiency, and fairness in managing public records, thereby enhancing trust between the government and the community we serve.

The City of Oxford maintains many records used in the city's administration and operation. In accordance with state law and the City's Records Commission, the city has adopted schedules of records retention and disposition (RC-2) to identify these records. These schedules list 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.

### Definition of Public Record

A record is defined to include the following: A document in any format, paper, electronic, or audio, that is created, received by, or comes under the jurisdiction of the City of Oxford that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. A public record is a record that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

### Public Records Custodian and Request Guidelines

The Clerk of Council is the official Public Records Custodian of all records that are centrally maintained by the city. Department heads are the official custodians of all records maintained within their departments. Except for police department records, all public records requests must be directed to the Public Records Custodian. Requests for records from the police department may be made directly to the police records custodian.

Public records requests will be accepted and reviewed during regular business hours between 8:00 a.m. and 5:00 p.m. on regular business days. Public records requests will not be responded to on weekends or holidays.

No specific language is required to request 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.

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(s). It is this office's general policy that this information is not to be requested.

However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of the identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

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

The Public Records Custodian reserves the right to consult with legal counsel prior to the release of any public records. This is to allow the city to comply with laws regarding the release of certain records.

The City of Oxford's records are subject to records retention schedules. The office's current schedules are available at the Municipal Building located at 15 South College Ave. Oxford, Ohio 45056, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

### **Response Timeframe:**

All public records maintained by the city shall be promptly prepared and made available for inspection to any person during regular business hours.

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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the City of Oxford that all requests for public records should be acknowledged in writing or, if feasible, satisfied within five business days following the office's receipt of the request. If the request is expected to take longer, the Record Custodian will provide an estimated timeframe and provide updates to the requester as needed.

### **Processing the Request:**

In processing the request, the office does not have an obligation to create new records. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian is not required to provide it in the format requested.

An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances.

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats.

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.

Public records will only be produced by the Public Records Custodian or other authorized employees. The Public Records Custodian may use an outside copying service to make the copies at the Public Records Custodian's discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by reducing copy size or otherwise, may be met at the discretion of the Public Records Custodian.

### **Inspection and delivery of public records:**

**In-person inspection:** records may be reviewed in person at the city municipal building located at 15 S. College Ave. Oxford, OH 45056. An office employee may accompany the requester during inspection to ensure that the original records are not taken or altered.

**Delivery of a public record:** Records may be mailed at the requestor's expense or, if possible, delivered electronically for no fee.

### **Fees and Payment:**

Public Records will be provided at the cost of making copies, not labor. The requester shall also pay the actual cost of delivery and other supplies used in the mailing, delivery, or transmission of the public record. Payment for public records requests must be made prior to the actual copying of the records.

Fees associated with copying, transcription, postage, and creation of electronic files are found in the recent Fee Ordinance located on our website:

<https://www.cityofoxford.org/government/feeordinances.php>

### **Denial or Redaction of Records:**

Under certain circumstances, records are not defined as public records under Ohio law. In these

situations, the public record request will be denied. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for verbal public records requests. Any denial of public records requested must include an explanation, including legal authority.

If portions of a record are public and portions are exempt, the exempt portions are to be redacted, and the rest will be released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, unless federal or state law authorizes or requires the redaction. The Ohio Revised Code regards certain actions as being denials of public record requests. These situations are handled as follows:

**Redaction.** The Ohio Revised Code defines a redaction as 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' in section 149.011 of the Revised Code.

Sometimes, a requester may request public records, but the Public Records Custodian cannot determine which public records are being sought. Requests that are ambiguous, overly broad, or difficult to identify the public records requested may require more information from the requestor. In such circumstances, the Public Records Custodian will inform the requester that the public records request is denied but will allow the requester to describe the public records sought more accurately.