

CITY OF CINCINNATI RECORDS POLICY

Introduction:

We are caretakers of records that belong to the citizens of the City of Cincinnati. Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City of Cincinnati to strictly adhere to the State's Public Records Act.

Section 1: Definitions

Record is defined by Ohio Revised Code and generally includes any document on any media, including but not limited to paper and electronic (including e-mail), that is created or received by, or comes under the jurisdiction of a public office and that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Public Record is defined by Ohio Revised Code and generally includes all records maintained by or for the City of Cincinnati unless they are specifically exempt from disclosure under the Ohio Revised Code or their disclosure is prohibited by State or Federal law.

Public Office is defined by Ohio Revised Code and generally includes all offices, departments, commissions, and boards of the City of Cincinnati.

Records Custodian is defined by Ohio Revised Code and is generally defined as that person or persons designated to maintain the records of the public office. The Director, Chief, Chairman, President, or any other person responsible for a public office will designate to the City Records Commission their records custodian(s).

Section 1.1 – It is the policy of this public 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 updated regularly and posted prominently at www.cincinnati-oh.gov.

Section 2: Record requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 – 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 public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will contact the requester for clarification, and assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

Section 2.2 – Responses to all public records requests will be 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. To deliver improved customer service, forms for public records requests allowing for the documentation of both the request and response will be provided to the customer.

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.

Section 2.3 – Public records are available for inspection during regular business hours, with the exception of published holidays. Public records will be made available for inspection promptly. Copies of public records will 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 – Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied promptly if feasible to do so. If not feasible to do so, it will be done in a reasonable period of time.

Section 2.5 – Any denial of public records requested will include an explanation, including legal authority as required by law. 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 will be accompanied by a written supporting explanation, including legal authority as required by law.

Section 3: Costs for Public Records

Those seeking public records may be charged only the actual cost of copies. There is no cost for inspection.

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies and the requester may be required to pay these charges in advance of the mailing.

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 in accordance with the City of Cincinnati retention schedules approved for e-mail.

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 used to conduct public business 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

The City of Cincinnati 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, the City of Cincinnati's failure to comply with a request may result in a court ordering the City of Cincinnati to comply with the law and to pay the requester attorney's fees and damages.
