

CITY OF COSHOCTON

Public Records Policy

I. Purpose

The City of Coshocton acknowledges that it maintains many records that are used in the administration and operation of the City of Coshocton. In accordance with state law and the City of Coshocton's Records Commission, the City of Coshocton has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records: These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the City of Coshocton and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City of Coshocton. The records maintained by the City of Coshocton and the ability to access them are a means to provide trust between the public and the City of Coshocton.

II. Scope

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function
 1. Each record custodian has a: copy of the City of Coshocton's public records policy.
- B. The City of Coshocton's public record policy, as well as, the City of Coshocton Schedules of Records of Retention and Disposition (RC-2) are located at every location in which the public may access the City of Coshocton's records.
- C. The City of Coshocton's public records policy is located in the City of Coshocton's policies and procedures manual.
- D. The City of Coshocton displays a poster which generally describes the City of Coshocton's public records policy at every location in which the public may access the City of Coshocton's records.

III. Fees

- A. The City of Coshocton, in accordance with Section 149.43 of the Revised Code, has established the following fees for providing copies or reproductions of public records maintained by City of Coshocton:
 1. For photocopies of either letter or legal size documents, the fees shall be .25 per photocopy calculated after ninth copy. Advance payment is required before any copies are prepared. Two sided photocopies shall be charged at a rate of .30 per sheet.
 2. For video tapes, cassette tapes, computer disk or for any other type of media, the fee shall be the replacement cost or the reproduction cost which ever is greater. Reproduction costs may only be

charged if a commercial or professional service is contracted to provide the copy.

3. Established costs/fees * under this policy shall: be clearly posted and visible to the public at all locations authorized to provide copies of public records.

IV. Availability

Inspection

- A. All public records maintained by the City of Coshocton shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the City of Coshocton's current records retention schedule(s). (Promptness is to be determined by the facts and circumstances of each public records request). Request for all city records must be submitted to the Mayor's Office at the Administrative office located at 760 Chestnut Street, Coshocton, Ohio. Regular business hours of the City of Coshocton are Monday, Tuesday, Wednesday and Friday (except holidays), from 8:00 A.M. to 4:00 P.M., and Thursday from 8:00 A.M. to 12:00 P.M.
- B. For the purpose of enhancing the ability of the City of Coshocton to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, the City of Coshocton shall provide to the requester a form for the requester to complete.
 1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 2. Although the City of Coshocton may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a) The requests are not mandatory; and
 - b) Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the City of Coshocton whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the City of Coshocton for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempt information is not improperly released by the City of Coshocton.

- D. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection.

Public Records Requests

A. Mailed Requests for Public Records

1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the City of Coshocton shall promptly respond to the request
2. The Records Manager of the City of Coshocton shall, by any means practical, contact the requester and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and me envelope. (R.C. 149.43(B)(7)).
3. When practical, the City of Coshocton may forward copied records by any other means reasonably acceptable to the requestor.
 - a. If a person requests a copy of a public record, the City of Coshocton shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the City of Coshocton maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the City of Coshocton, or the responsible City of Coshocton employee for the public record. (R.C. 159.43(B)(6)(7)).
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means.(R.C. 149.43(B)(6)).
4. In accordance with section 143.43(B)(7) of the Ohio Revised Code, the City of Coshocton limits the number of requested public records, to be transmitted through the U.S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering news information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

5. Authorized City of Coshocton employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:

- a. City of Coshocton employees shall promptly process request.
- b. Requestors shall be charged the postage fees and me cost of the envelope required to properly send the requested records through the mail.

B. Written or Verbal requests for copies made by the public records requestor or their designee shall be processed in the same manner as mailed requests.

Response and Denials

A. Requests for inspection and/or copies of public records, which are not maintained by The City of Coshocton shall be processed in the following manner:

1. If the City of Coshocton receives a request for a record that does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing that one of the following applies:

- a. Their request involves records that have been maintained by the City of Coshocton:
- b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable City of Coshocton Schedules of Record Retention and Disposition (RC-2);
- c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
- d. If the record that is requested is not a record used or maintained by the City of Coshocton, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the City of Coshocton is under no obligation to create records to meet public record requests.

B. Ambiguous Request for Public Records

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the City of Coshocton responsible for the requested public record cannot reasonably identify what public records are being requested:

1. The City of Coshocton may deny the request

2. However, the City of Coshocton shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the City of Coshocton in the ordinary course of business. (R.C. 149.43(13)(2)).

C. Denial of a Record Maintained by the City of Coshocton. The City of Coshocton may deny request for a record maintained by the City of Coshocton if;

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of the City of Coshocton shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - b. Employees may check the appropriate box on a form if they are simply applying the statutory exclusion.
 - c. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43 (B) (3), if a request is ultimately denied, in part or in whole, the City of Coshocton shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - b. The Explanation shall not preclude the City of Coshocton from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

D. Redacting Exempted Records/Procedure

1. Redaction means 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 Ohio Revised Code. (R.C. 149.43 (A) (11));
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorized or requires a public office to make the redaction. (R.C. 149.43(B)(1)). b. If a request is ultimately denied, in part or in whole, the City of Coshocton shall provide the requester with an explanation, including legal authority,

setting form why me request was denied. (R.C. 149.43 (B) (3)).

2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the City of Coshocton shall make available the information within the public record that in not exempt
3. When making that public record available for public inspection or copying that public record, the City of Coshocton shall notify the requester of any redaction or make the redaction plainly visible. (R.C. 149.43 (B)(1)).
4. The releasing employee shall then reproduce a copy of the page with the redaction; the resulting copy shall be the page that is released to the requester.
5. The first redaction page with the original redactions made by the employee is the work sheet It shall be attached to the original record, and maintained in accordance with the retention period established for the original document

Remedy

E. Grievance

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 - a. Contact the City of Coshocton Mayor.
 - b. If the person is not satisfied after contacting the City of Coshocton Mayor they shall be advised that the Ohio Revised Code Section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43)(1)(2)).

V. Training and Education

The City of Coshocton office continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43 (E)(1)(2).