

# MAYFIELD VILLAGE PUBLIC RECORDS POLICY

*Effective September 29, 2007*

*Amended March 12, 2009, May 1, 2010, July 20, 2011 and October 12, 2021*

## **Introduction:**

Mayfield Village believes that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of Mayfield Village to strictly adhere to the State of Ohio's 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. To facilitate this policy and to oversee compliance with the ORC, Council appoints its Clerk as Records Custodian for all legislative-related records and requires the Mayor to designate and identify an employee in the Administration as Records Custodian which may be the same individual. Each Department shall also designate a Records Coordinator for the Department's records. All Records Custodians and Records Coordinators are provided with copies of the Mayfield Village Public Records Policy, as amended, and are asked to acknowledge receipt thereof in writing.

This Records Retention Policy is available for viewing by the public on the Mayfield Village website at [www.mayfieldvillage.com](http://www.mayfieldvillage.com). Signage describing the policy is also on display in all Village Departments.

## **Section 1. Public Records Defined**

Mayfield Village, in accordance with the Ohio Revised Code, defines public records as follows:

A document in any format, whether paper or electronic (including, but not limited to, e-mail), that is created, 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.

A public record is a record that is being kept by this office at the time a public records request is made. All records of Mayfield Village are public unless they are specifically exempt 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.

Mayfield Village's records are subject to records retention schedules approved by the Mayfield Village Records Commission and the State of Ohio. The current retention schedules are available to the public on the Mayfield Village website at [www.mayfieldvillage.com](http://www.mayfieldvillage.com).

## **Section 2. Electronic Records**

Records in the form of e-mails, text messages and instant messages, including those sent and received via a hand-held communications device, are treated in the same fashion as records in other formats and will follow the same retention schedules.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of Mayfield Village are required to retain their email records and other electronic records in accordance with applicable records retention schedules.

## **Section 3. Handling Record Requests**

Record requests shall be forwarded to the Records Custodian as soon as possible after receipt of the request. The Records Custodian will forward a copy of all requests to the Director of Law and, where possible, acknowledge receipt of the request.

Although no specific language is required to make a request, the requester must identify the records requested with sufficient clarity to allow the Village to identify, retrieve, and review the records. If it is not clear what record(s) are being sought, the Records Custodian will contact the requester for clarification, and will assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

The requester is not required 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). If a written request or disclosure of identity or intended use would benefit the requester by enhancing the Record Custodian's ability to identify, locate or deliver the requested record(s), and if the requester is advised that a written request is not *required*, a written request may be requested. Attached is a Public Records Request Form to be used for this purpose. This form is also available to the public on the Mayfield Village website at [www.mayfieldvillage.com](http://www.mayfieldvillage.com).

Public records are to be made available for inspection during the Village's regular business hours, with the exception of published holidays. Public records must be made available for prompt inspection. Copies of public records must be made available within a reasonable period of time. Determining "prompt" and "reasonable" will 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.

In processing the request, the Village does not have an obligation to create new records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the use of sorting, filtering or querying features.

The Records Custodian will utilize a log or other tracking method to track public records requests. The log will include the date of the request, the name of the requester (if voluntarily

provided), the type of records requested, the date the requests were fulfilled and the name of the person fulfilling the request.

In processing a request for inspection of a public record, a Village employee must accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent addition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) for purpose of keeping employees of the Village and the public educated as to the Village's obligations under the Ohio Public Records Act and Open Meetings Act.

#### **Section 4. Response Timeframe.**

Public records are to be made available for inspection during regular business hours and 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, the necessity for any legal review and reaction, and other facts and circumstances.

It is the goal of Mayfield Village that all requests for public records will be satisfied within eight (8) business days following receipt of the records request. Requests not satisfied in this timeframe will be acknowledged in writing with an estimated timeframe for response.

#### **Section 5. Denial and/or Redaction of Records**

If the requester makes an ambiguous or overly broad request such that the Village cannot reasonably identify what public records are being requested, the request may be denied, but the requester will then be given an opportunity to revise the request after the Records Custodian describes the manner in which records are maintained and accessed by the Village.

Some records are not subject to disclosure or some portions thereof may need to be redacted. If records are withheld, redacted or otherwise denied, the Village will provide an explanation for the redaction or denial, including the legal authority therefor. If the initial records request was made in writing, the explanation will also be provided in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the remainder of the record must be released. When making public records available for inspection or copying, the Village will advise the requester of any redaction or make the redaction plainly visible.

#### **Section 6. Copying and Mailing Costs for Public Records**

Those seeking public records will be charged only the actual cost of printing or making copies, and will be required to pay the charges in advance. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the Village's normal operations.

If a record can be transmitted to the requester in an electronically-mailed format, and the requester is agreeable to receiving the record in electronic format, there will be no charge for the record. If the requested information must be downloaded to a DVD, flash drive or other device, the cost will be charged to the requester.

- The charge for black and white paper copies is five cents (\$.05) per page.
- The charge for color copies is ten cents (\$.10) cents per page.
- The first twenty (20) pages (whether black and white or color copies) will be provided free of charge.
- Copies that exceed 11" x 17" will be printed or copied offsite and the requester will be charged the actual cost of printing or copying the record(s).
- The actual cost of DVDs, flash drivers or other devices used to transmit information will be charged to the requester.
- If a requester asked that documents be delivered to them, the requester may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. Alternatively, the requestor may arrange to pick up the documents at the Village's offices.