

# **CITY OF BEREA**

## **PUBLIC RECORDS POLICY**

Amended and adopted May 2025; Amended and adopted July 2016

### **MISSION STATEMENT**

It is the policy of the City of Berea that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City to strictly adhere to the state'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 outline in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

### **PUBLIC RECORDS**

The Ohio Revised Code defines records as including the following: A document in any format - paper, electronic (including but not limited to business email) - that is created or received by, or comes under the jurisdiction of the City of Berea 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. Record retention schedules are to be updated regularly and posted prominently.

### **RESPONSE TIMEFRAME**

Public records are to be made available for inspection during regular business hours. City of Berea regular business hours are Monday through Friday, 8:30am to 3:30pm, with the exception of recognized holidays. Other hours for inspection may be scheduled by appointment, if necessary.

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.

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. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, and personnel rosters. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made promptly as the equipment allows.

It is the goal of the City of Berea that all request for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request.

### **HANDLING REQUESTS**

No specific language is required to make a request for 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. If it is not clear what records are being sought, the record custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requestor of the manner in which the office keeps its 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). Written requests, however, provide clarity that verbal requests may lack. 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 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.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. 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.

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

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney Generals' 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 Personal Information Systems Acts.

## ELECTRONIC RECORDS

Records in the form of email, 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, such as paper or audiotape.

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 email records and other electronic records that relate to public business, in accordance with applicable records retention schedules.

## DENIAL AND REDACTION OF RECORDS

If the requestor makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

#### COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies in excess of 20 pages is 5 cents per page. The charge for electronic files downloaded to a flash drive is the actual cost of the flash drive.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on 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 office's normal operations.

If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for emailed documents.

#### CITY OF BEREA DEPT OF PUBLIC SAFETY POLICY ON PRODUCTION OR INSPECTION OF VIDEO RECORDS

The City of Berea Department of Public Safety Policy on Production or Inspection of Video Records is fully adopted and incorporated herein by reference in this City of Berea Public Records Policy as of May 15, 2025.

#### MANAGING RECORDS

The City of Berea's records are subject to records retention schedules. The City's current schedules are available in the Law Department, a location readily available to the public as required by Ohio Revised § 149.43(B)(2).