

1-9 **ADMINISTRATION - PUBLIC RECORDS POLICY**

9.0 Policy:

The City of Fairfield acknowledges that it maintains many records that are used in the administration and operation of the City of Fairfield. The records maintained by the City of Fairfield and the ability to access them ensure accountability of government to those being governed, expose government activity to public scrutiny, and allow the public to monitor the conduct of the government.

The City of Fairfield maintains its records in a manner which allows the general public prompt inspection of the City of Fairfield's public records and copies of these records within a reasonable amount of time during regular business hours from 8:00 a.m. to 5:00 p.m. Monday through Friday with the exception of published holidays.

In accordance with state law, the City of Fairfield Records Commission 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 jurisdiction of the City of Fairfield and document the organization, functions, policies, decisions, procedures, operations, and other activities of the City of Fairfield.

The City of Fairfield public records policy and the Schedule of Records Retention and Disposition (RC-2) are available in the Office of City Manager, Room 123, Fairfield Municipal Building, 5350 Pleasant Avenue, Fairfield, OH 45014 (513-867-5350). Certain records are only available at the Fairfield Police Department Records Section (5230 Pleasant Avenue) or the Fairfield Fire Department Headquarters (375 Nilles Road); requests to inspect or obtain copies may be submitted to records custodians at those locations.

As additional custodians of City of Fairfield records are certified by the City Manager's Office, a listing of those custodians and appropriate contact information will be available from the City Manager's Office. If a request is made directly to any other City of Fairfield Office without such a certified records custodian, members of the staff are expected to promptly contact the Office of City Manager to begin the process. Requests may be made in person, by telephone, in writing, or by mail.

9.1 Procedures:

Requests to inspect or obtain copies of public records may be made to the Office of City Manager, Room 123, Fairfield Municipal Building, 5350 Pleasant Avenue, Fairfield, Ohio 45014 (513-867-5350), the Records Office of the Police Department, 5230 Pleasant Avenue, Fairfield, Ohio 45014 (513-867-6011), or the Fairfield Fire Department Headquarters, 375 Nilles Road, Fairfield, Ohio 45014 (513-867-5379).

Inspection of Records

Inspection will be promptly provided during regular City of Fairfield business hours (8 a.m. to 5 p.m.), Monday through Friday with the exception of published holidays. However not all records are available for inspection upon demand. Records must often be reviewed and non-public information redacted (that is, obscured or deleted) before inspection can be permitted (see attached list on page 7). Records will be made available for inspection within a reasonable period of time following the request. The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information.

Obtaining Copies of Records

The City of Fairfield will provide copies of records at cost. However not all records are available for copying upon demand. Records must often be reviewed and non-public information redacted before copying will be permitted. Copies will be provided within a reasonable period of time following the request.

The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information. Costs must be paid in advance before copies will be provided. Attached is the current cost of commonly requested copies.

Possible Legal Review

In the event a request is made to inspect and/or obtain a copy of a record maintained by the City of Fairfield containing information 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 Fairfield 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 exempted information is not improperly released by the City of Fairfield.

Requests for Non-mandatory Information

The City of Fairfield may ask that the identity of an individual who requests information and the reason the information is sought be in writing. The City of Fairfield first informs the requester that such disclosure is not mandatory. The City also informs the requester that providing such information in writing enhances the ability to identify, locate or deliver the records sought. The City may also ask that the request be put in writing, but notifies the requester that is not mandatory to do so. Nothing in this policy prohibits a City of Fairfield records custodian from making a written record of a request to inspect or obtain a copy of City record(s). Attached is a form which may be used by a requestor or a records custodian. When a requester declines to provide his or her name when requesting information that may not be released or available immediately, a City records custodian may provide the requester with a unique identification number to reference to use in identifying a request once the information has been prepared for release.

Facilitating Access to and Copying of Public Records

Any individual who wants to obtain or inspect a copy of a public record may request to have the record duplicated on paper, on the same medium on which the record is kept or on any other medium that the City Manager/designee determines reasonable. If the request is ambiguous or overly broad, the City informs the requester of the manner in which records are maintained and accessed in the ordinary course of business and allows the requester to revise the request. If requested, City of Fairfield staff will assist the requester with the revision of a request to facilitate access to records maintained by the City.

Redactions and Denials of Information

All records responsive to the request are made available in a reasonable period of time. The City makes the requester aware of any information that is exempt from disclosure requirements by notifying the requester of any redacted information or by making redactions in a plainly visible manner and noting the legal authority for such redaction (see attached list on page 7). If a public records request is denied, the City provides an explanation with legal authority for the denial of the request. This explanation is provided in writing if the request is made in writing or if the City Manager/designee determines a written explanation is necessary.

Information Delivery; Limitations

The City Manager/designee transmits the information sought by mail or by any other means of delivery requested, if the method is reasonably available. The number of mail requests sent to any one person is limited to 10 a month unless the person certifies, in writing, that neither the records nor the information in them will be used for commercial purposes.

Posting of Policy

The City's public records policy is posted in a conspicuous location in all municipal buildings and employee handbooks provided by the City. The policy is distributed directly to the records custodian and receipt of the policy by the custodian is acknowledged. A copy of the records retention schedule is maintained and readily available to the public in the City Manager's Office.

9.2 Special Procedures:

Special procedures apply to certain e-mail and voicemail messages which are created, received, or sent under jurisdiction of the City of Fairfield and document the organization, functions, policies, decisions, procedures, operations, and other activities of the City of Fairfield. In other words, these electronic files meet the definition of a public record.

1. E-mail messages are automatically archived by the City's e-mail system. However, departments should consider printing hard copies of e-mail messages, sent or received, which meet the definition as a public record. Hard copies may be filed chronologically but employees should consider electronically copying such e-mails to an electronic file which is more easily searched for information on a particular subject.
2. Any department sending or receiving messages in any other format where the message is stored on a fixed medium (for example, instant messages) is responsible for preserving such records in conformance with Ohio's Public Records Law.

Review & Questions:

Questions on the application of this policy should be addressed to the City Manager's Office.



City Manager

06/27/08

Date

Replaces # 1-9 dated: 10/03/07

City of Fairfield, Ohio Public Records Request Form

The City of Fairfield, Ohio government belongs to the citizens of the City of Fairfield. We conduct our government activities in the open, and we are proud of our strong commitment to this important principle of democracy.

While not mandatory, if you fill out this form it will help us provide the public records you are requesting in a more timely fashion.

Name of Requestor	
Street Address	City, State, Zip
Phone Number	Today's Date
<p>With as much specificity as possible, please describe what records you want to review. PLEASE PRINT.</p>	
<p>City of Fairfield, Ohio provides photocopies of public records according to the following schedule: 32 copies or less – no charge. 33 copies or more - \$1.00 plus .03 per copy over 33 copies. All requests require advance payment. Mailing charges are assessed at actual cost. There is no charge to inspect records while in a City of Fairfield facility. Please check your preference below.</p> <p style="text-align: center;"> <input type="checkbox"/> I would like to inspect these records in the building when they are ready. <input type="checkbox"/> I would like these records copied, and I will pick them up when they are ready. <input type="checkbox"/> I would like these records copied and mailed to me at the address on this form. </p>	
Name of City of Fairfield employee handling request.	Date request was completed.

**City of Fairfield, Ohio
Public Records Response Form**

Our City government belongs to the citizens of the City of Fairfield, Ohio. We conduct our government activities in the open, and we are proud of our strong commitment to this important principle of democracy.

Persons requesting thirty three (33) or more copies will be required to pay a fee of \$1.00 plus \$0.03 per copy. Prepayment is required.

Name of Requestor _____	
Number of copies requested _____ @ \$1.00 plus \$0.03 per page. (No charge if less than 33 copies.)	Total fee: \$_____.
Copies of other materials (video tape, cassette, etc.) Refer to Policy # 3-2 for applicable fees	Total fee: \$_____.
Receipt number _____	Total fee: \$_____.
<p><input type="checkbox"/> Record(s) not available:</p> <p><input type="checkbox"/> Record has never been maintained by the City.</p> <p><input type="checkbox"/> Record is no longer maintained or has been disposed of or transferred pursuant to RC-2.</p> <p><input type="checkbox"/> Record has been disposed pursuant to an application of One-Time Records Disposal RC-1.</p> <p><input type="checkbox"/> Record is prohibited from release due to an applicable state or federal law. (State the applicable state or federal law) _____</p> <p><input type="checkbox"/> Record is not in the form of a paper document. <input type="checkbox"/> Cassette tape <input type="checkbox"/> Video tape <input type="checkbox"/> Other (specify) _____</p> <p><input type="checkbox"/> Record is prohibited or exempted by law:</p> <p><input type="checkbox"/> Record has been forwarded to legal counsel for research/review.</p> <p><input type="checkbox"/> Record has been reviewed and release has been denied by legal counsel.</p> <p><input type="checkbox"/> Record has been reviewed by legal counsel and records are to be released.</p> <p><input type="checkbox"/> Record has been reviewed and contained non-releasable material.</p> <p><input type="checkbox"/> Upon review, non-releasable material has been redacted.</p> <p><input type="checkbox"/> Releasing employee has noted the date, initials, and name of the requestor on a copy of the reproduced page.</p>	
Name of City of Fairfield employee handling request.	Date request was completed.

Charges for Copied Materials

Single Page 1-32	no charge
33 and over	\$ 1.00 plus .03 per copy over 33 copies
24" x 36" Maps, Drawings, or larger	\$ 2.50 per copy
Fairfield Codified Ordinances	\$100.00 each
City of Fairfield Planning and Zoning Code	\$ 25.00 each
City of Fairfield Building Code	\$ 25.00 each
City of Fairfield Thoroughfare Plan	\$ 5.00 each
City of Fairfield Land Use Plan	\$ 5.00 each
Fairfield Police Department Reports	no charge up to 32 pages \$ 1.00 plus .03 per copy over 33 copies
Fairfield Fire Department Life Squad/ Fire Incident Reports	no charge up to 32 pages \$ 1.00 plus .03 per copy over 33 copies
Audio and Video Recorded Tape	Actual cost of reproducing tape

Any other document requested by the public that is not specifically listed in this policy should be calculated based on the single page charges stated above for a standard-sized page and \$2.50 for 24" x 36" maps or drawings or based upon the actual cost for the City obtaining the photocopy being provided if such printing/photocopying services are provided by an outside vendor.

LIST OF REDACTIONS / EXEMPTIONS (149.43)

	RECORD OR INFORMATION WHICH MAY BE DENIED	LEGAL AUTHORITY FOR DENIAL
1.	Social Security numbers.	<i>State ex rel. Beacon Journal Publ. Co. v. City of Akron</i> , 70 Ohio St. 3d 605, 1994 Ohio 6 (1994)
2.	Home addresses of employees (unless employee works from home or is subject to a residency requirement).	<i>State ex rel. Dispatch Printing Co. v. Johnson</i> , 106 Ohio St. 3d 160, 2005 Ohio 4384 (2005)
3.	Peace Officer, Parole Officer, Prosecuting Attorney, Assistant Prosecuting Attorney, Correctional Employee, Youth Services Employee, Firefighter, or EMT residential and familial information; (Some exceptions for Journalists – see ORC 149.43)	149.43(A)(1)(p)
4.	Medical records generated in the process of medical treatment.	ORC 149.43(A)(1)(a), (A)(3); ORC 149.431
5.	Confidential law enforcement investigatory records.	149.43(A)(1)(h)
6.	Records the release of which is prohibited by state or federal law.	149.43(A)(1)(v)
7.	Criminal background and other law enforcement information from the LEADS database.	<i>State ex rel. Master v. Cleveland</i> (1996), 76 Ohio St. 3d 340 (1996)
8.	Worker's Compensation claim files.	ORC 4123.88
9.	Security and infrastructure records.	149.433
10.	E-mails and other documents that do not document the organization, functions, policies, decisions, procedures, operations, or other activities of the City.	<i>State ex rel. Wilson-Simmons v. Lake Cty. Sheriff's Dept.</i> , 82 Ohio St. 3d 37 (1998)
11.	Notes made by public employee or official for personal use only and not shared with others.	<i>State ex rel. Steffen v. Kraft</i> , 67 Ohio St. 3d 439, 1993 Ohio 32 (1993); <i>State ex rel. Cranford v. Cleveland</i> , 103 Ohio St. 3d 196, 204 Ohio 4884 (2004)
12.	Attorney-client privileged records.	<i>State ex rel. Taxpayers Coalition v. City of Lakewood</i> , 86 Ohio St. 3d 385 (1999); <i>State ex rel. Nix v. Cleveland</i> , 83 Ohio St. 3d 379 (1998); <i>State ex rel. Alley v. Couchois</i> , 1995 Ohio App. LEXIS 4094 (2d Dist. Sept. 20, 1995); ORC 143.43(A)(1)(v); <i>State ex rel. Thomas v. Ohio State Univ.</i> , 71 Ohio St. 3d 245, 1994 Ohio 261 (1994)
13.	Child abuse reports.	ORC 2151.421(H)
14.	Records sealed pursuant to a Court Order.	ORC 2953.52
15.	Intellectual Property Records.	ORC 149.43(A)(1)(m)
16.	Records concerning Recreational Activities of Individuals under age 18.	ORC 149.43(A)(1)(r)
17.	BCII criminal record checks.	ORC 109.57, 3319.39
18.	Trade secrets.	ORC 1333.61(D)
19.	Identifying information from reward offer for crimes committed against School employees or pupils.	ORC 3313.173

Note: In the event a request is made to inspect and/or obtain a copy of a record maintained by the City of Fairfield containing information 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 Fairfield 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 exempted information is not improperly released by the City of Fairfield.