

# BARBERTON MUNICIPAL CLERK OF COURTS

## PUBLIC RECORDS POLICY

### INTRODUCTION

It is the policy of the Barberton Municipal Clerk of Courts that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Clerk's office to strictly adhere to the state's Public Records Law. It is also the policy of the Clerk's office that exemptions from disclosure established by federal or state law must be applied, particularly where the laws are intended to protect the rights of third parties.

### SECTION 1. PUBLIC RECORDS

A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business 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. All records kept by the Barberton Municipal Clerk of Court are public unless they are exempt from disclosure under Ohio law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying. The Barberton Municipal Clerk of Courts records are subject to records retention schedules. The office's current schedules are available at [www.cityofbarberton.com/clerkofcourts](http://www.cityofbarberton.com/clerkofcourts), a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code.

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

**Section 2.2** 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. 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 requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

**Section 2.3** Public records are to be available for inspection during regular business hours, Monday through Friday from 8:00 a.m. to 4:00 p.m., with the exception of published holidays. Public records must be made available for

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

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; and the necessity for any legal review and redaction of the records requested.

**Section 2.4** Each request shall be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied the same day if feasible to do so. If any of these records contain exempt material such as social security numbers or other confidential information, they cannot be handled as "routine" requests. Within three business days following receipt of the request the Clerk's office will strive to acknowledge all requests for public records and provide an estimate of the number of business days it will take to satisfy the request.

**Section 2.5** Any denial of public records requested must include an explanation, including legal authority. 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 released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

### **SECTION 3. COSTS FOR PUBLIC RECORDS**

Those seeking public records will be charged as follows:

The charge for paper copies is ten cents per page. If the request is to have the record certified, the charge is \$1.00 per page, pursuant to Ohio Revised Code §2303.20(Z).

**Section 3.1** Requesters may ask that documents be mailed to them. They may be charged the actual cost of the postage and mailing supplies.

**Section 3.2** The Barberton Municipal Clerk of Courts may require the requestor to pay in advance the cost involved in providing the copies, including postage.

### **SECTION 4. E-MAIL**

Documents in electronic 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 should follow the same retention schedules.

**Section 4.1** All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.