

North Canton City Council
Personnel and Safety Committee

Ordinance No. 74 - 2019

An ordinance repealing and replacing the City of North Canton's Public Record Policy, codified as Chapter 107 of North Canton Codified Ordinances, with the updated, and most current, policy and summarized poster, attached hereto and incorporated herein as Exhibits "A" and "B".

WHEREAS, the City's Public Records Policy was last updated in 2015; and

WHEREAS, the City's mission statement is that "Openness leads to a better-informed citizenry, which leads to better government and better public policy"; and

WHEREAS, the proposed attached policy and summarized poster follow the Ohio Attorney Generals' most-current model public records policy and summary poster.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That, North Canton's Public Record Policy, codified as Chapter 107 of North Canton Codified Ordinances, is hereby repealed, and replaced with the above-described Exhibits "A" and "B".
- Section 2. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, that it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 9th day of December 2019

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed: December 9, 2019

ATTEST:

Marge Loretto
Marge Loretto, Director of Finance

CITY OF NORTH CANTON PUBLIC RECORDS POLICY

MISSION STATEMENT

Openness leads to a better-informed citizenry, which leads to better government and better public policy. Accordingly, it is the mission and intent of the City of North Canton to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act, R.C. § 149.43.

DEFINING 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) – created, received by, or comes under the jurisdiction of the City of North Canton, which documents the City's organization, functions, policies, decisions, procedures, operations, or other activities.

A "public record" is a "record" that is being kept by the City 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.

RESPONSE TIMEFRAME

Public records are to be available for inspection during the City's 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 redaction, and other facts and circumstances of the records requested.

PROCESSING RECORD REQUESTS

No specific language is required to make a request for public records. The requester must, however, at least identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records.

The requester does not have to put a record request in writing, and does not have to provide his or her identity, or the intended use of the requested public record; the City's general policy is that this information is not to be requested. Ohio's Public Records Act does, however, permit the City to ask for a written request, the requester's identity, 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 City's ability to identify, locate, or deliver the requested public records; and (2) the requester is first told a written request is not required and the requester may decline to reveal the requester's identity or intended use.

An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the City's standard use of sorting, filtering, or querying features. In processing the request, the City has no obligation to create new records or to perform new analysis of existing information. And although not required by law, the City may consider generating new records when in its discretion it makes sense and is practical under the current circumstances. In addition, when processing a request for inspection of a public record, a City employee shall accompany the requester during inspection to make certain original records are not damaged, taken, or altered. There is no charge to inspect public records.

A copy of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping City employees and the public educated as to the City's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messages, and instant messages, including those sent and received via hand-held communications devices, 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 City employees or its representatives are required to retain e-mail and other electronic records in accordance with applicable City record retention schedules.

DENIAL AND REDACTION OF RECORDS

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

If the City withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for its denial. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and other portions are exempt, the exempt portions may—and sometimes must—be redacted, and the remainder must be released; the City shall notify the requester of any redaction or make the redaction plainly visible.

COPYING AND MAILING COSTS

There is no charge for making standard 8.5 x 11 inch copies of records or for e-mailed records. The requester may choose 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 City determines the record can reasonably be duplicated as an integral part of its normal operations. If a requester asks that records be delivered, the requester may be charged, in advance, the cost of postage, mailing supplies, and other costs of delivery beyond standard postage.

MANAGING RECORDS

The City's records are subject to record retention schedules. The current schedules are available at the Administration office, which is a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2). This public records policy shall be included in the City's employee handbook and shall be provided to record custodians who have custody of the records of their departments; the record custodians shall acknowledge receipt of a copy of this public records policy.

THE PUBLIC RECORDS POLICY OF THE CITY OF NORTH CANTON

The public records policy of the City of North Canton guides employees in making available the materials to which the public is entitled by law. The policy, summarized below, appears in full in the City's Public Records Policy. In addition, the Ohio Sunshine Laws: An Open Government Resource Manual, which explains open records laws, is available free at www.OhioAttorneyGeneral.gov/YellowBook.

DEFINING AND ORGANIZING PUBLIC RECORDS

Records that document the work of the City are public, unless they are exempt by law from disclosure. Public records laws apply to records in any format, including those that exist on paper, electronically (for example, e-mail), or on any other media.

MAKING RECORDS ACCESSIBLE

Public records are available for inspection during regular business hours. Records must be provided promptly for inspection, and copies must be made available within a reasonable period of time.

PROCESSING REQUESTS

No "official" language is required to make a request for public records, and the request does not need to be in writing. The person making the request does not have to provide his or her identity, nor must he or she indicate how the records will be used. In fact, the City's general policy is that this information is not to be requested. However, the person must identify the requested records with sufficient clarity to allow the City to retrieve them. If a request is ambiguous or overly broad, the office may deny the request but needs to contact the requester for clarification. If needed, the City shall assist the person in revising the request by explaining how its records are organized and accessed.

REQUESTS FOR ELECTRONIC RECORDS

Electronic records treated in the same way as records in other formats. E-mails, text messages, and instant messages, for example, may be public records if their content documents the City's business. Records transmitted to or from private e-mail accounts to conduct City business are subject to disclosure, and all employees or City representatives are required to retain them in accordance with applicable records retention schedules.

DEALING WITH DENIALS OR REDACTIONS

If the City withholds, redacts, or otherwise denies requested records, it must provide an explanation, including the legal authority to do so. If portions of a record are public and other portions are exempt, the exempt portions may or must be redacted while the rest are released. When making public records available for public inspection or copying, the City shall notify the requester of any redaction or make the redaction plainly visible.

DETERMINING COPYING AND MAILING CHARGES

There is no charge to inspect public records. There is no charge for making standard 8.5 x 11 inch copies of records or for e-mailed records. The requester may choose 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 City determines the record can reasonably be duplicated as an integral part of its normal operations. If a requester asks that records be delivered, the requester may be charged, in advance, the cost of postage, mailing supplies, and other costs of delivery beyond standard postage.

The requester may choose whether to have the record copied on paper, on the same medium in which the public record is kept, or on any other medium upon which the City determines the record can reasonably be duplicated as an integral part of its normal operations.

MANAGING RECORDS

The City's records are subject to record retention schedules. The current schedules are available at the Administration office, which is a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).