

The Tallmadge City Council and Administration encourage open government and public participation in City conduct and therefor has established a Public Records Policy. The policy is documented in the Code of Ordinances Chapter 145 described below:

**“145.01 PUBLIC RECORDS POLICY**

**a. RECORDS DEFINED**

For purposes of this Chapter, “records” means any document, paper, electronic including but not limited to e-mail, or other format, that is created or 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 City of Tallmadge. All records of the City of Tallmadge are public unless they are specifically exempt from disclosure under the Ohio Revised Code or otherwise by law.

**b. RECORDS POLICY**

It is the policy of the City of Tallmadge that public records will be organized and maintained so that they can be made available for inspection and copying at all reasonable times during regular business hours. Record retention schedules are to be made readily available to the public.

**c. RECORD REQUESTS**

1. Each request for public records will be evaluated for a response in accordance with the following guidelines:
2. 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 public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian for the office must contact the requester for clarification, and should assist the requestor in revising the request by informing the requester of the manner in which the office keeps its records.
3. A 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.
4. Public records are available for inspection at all reasonable times during regular business hours with the exception of published holidays. Records are available in the Police Department, Fire Department, and Street Department during hours posted at those locations.
5. Records are to be made available for inspection promptly. Copies of public records are to 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 age of the records; and the necessity for any legal review of the records requested.
6. 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, current meeting minutes, budgets, salary information, forms and applications, current personnel rosters, etc. If fewer than 20 pages of copies are requested, or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment and personnel allows. If more copies are requested, the requester will make an appointment to pick up the copies.
7. All requests for public records must either be satisfied or acknowledged in writing by the public office receiving the request. A good faith effort should be made to respond within three business days of the receipt of the request. If a request is deemed significantly beyond “routine”, such as seeking a voluminous number of copies or requiring extensive research, an acknowledgement of the request should be made.
8. Payment for costs of public records may be required in advance of delivery. Members of the public may not copy the records themselves.
9. Any public office may limit the number of copies requested to be delivered by U.S. Mail to ten per month unless the requester certifies in writing that he/she does not intend to use or forward the records or the information contained in them, for commercial purposes.

**d. DENIAL OF RECORD REQUEST**

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the remainder of the record released. If there is a redaction, each must be accompanied by a supporting explanation, including legal authority. Each denial of records must be reviewed by the Director of Law. The Director of Law will provide the appropriate legal authority.

**e. COSTS FOR PUBLIC RECORDS**

1. Those seeking public records will be charged the actual costs of making copies.
2. The actual costs shall be determined periodically by Council.
3. If records are mailed, the costs of postage and mailing supplies shall also be paid by the requestor.

**f. RECORDS CUSTODIANS**

1. The appointing authority or his designee for each public office is the records custodian for that office. Each records custodian and each employee shall receive a copy of the Public Record Policy.
2. A poster shall be placed on the bulletin board in each City building that describes the public records policy.

**g. ELECTRONIC MAIL**

1. Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the City. E-mail is to be treated in the same fashion as records in other formats. The Records Commission shall review and approve related retention schedules.
2. Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or agents of the City are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the office's records custodian.
3. The record's custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way and retaining them as established for like business records.

**h. FAILURE TO RESPOND TO A PUBLIC RECORD REQUEST**

The City of Tallmadge recognizes the legal and non-legal consequences of failure to properly respond to a public record request. In addition to the distrust in government that failure to comply may cause, the City's failure to comply may result in a court ordering compliance with the law and to pay attorney fees and damages."