The Village of Mount Gilead
Public Documents Policy

Introduction:

It is the policy of the Village of Mount Gilead that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village of Mount Gilead to 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 outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Section 1. Public records

This office, in accordance with the Ohio Revised Code, defines records as including the following: 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 office. All records of the Village of Mount Gilead are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the Village of Mount Gilead that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. The Village has adopted a record retention schedule. Said schedule shall be updated regularly and available to the public.

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 Village officer to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian shall first contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records. If the Village officer remains unable to reasonably identify what public records are being requested, the Village officer may deny the request but

shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Village and accessed in the ordinary course of business.

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 the Village's general policy that this information is not to be requested. Unless specifically required by state or federal law the Village shall not limit or condition the availability of public records by requiring the disclosure of the requester's identity or the intended use of the requested public record. Any such requirement constitutes a denial of the request.

Section 2.3

Public records are to be available for inspection during the Village office's regular business hours, with the exception of published holidays. The Village will make public records 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; and the necessity for any legal review of the records requested.

Section 2.4

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, 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 allows.

All requests for public records shall either be satisfied or be acknowledged in writing by the Village within three business days following the Village's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

Section 2.4a – An estimated number of business days it will take to satisfy the request.

Section 2.4b – An estimated cost if copies are requested.

Section 2.4c – Any items within the request that may be exempt from disclosure.

Section 2.5

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 rest released. The Village shall notify the requester 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 only the actual cost of making copies.

Section 3.1 The charge for paper copies is 5 cents per page.

Section 3.2 The charge for downloaded computer files to a compact disc is $1 per disc.

Section 3.3 There is no charge for documents e-mailed.

Section 3.4

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

Section 4. E-mail

Documents in electronic mail 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 – Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Village are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their Village e-mail accounts and/or to the Village's records custodian.

Section 4.2 – The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to respond to a public records request

The Village of Mount Gilead recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Village's failure to comply with a

request may result in a court ordering the Village to comply with the law and to pay the requesting party's attorney's fees and damages.