



## PUBLIC RECORDS POLICY

The City of Painesville, as a political subdivision of the State of Ohio, is subject to the Ohio Public Records Act as found in Section 149.43 of the Ohio Revised Code. All requests made under the Act will be reviewed and responded to in a timely basis.

### 1. Public Record Defined

Section 149.43(A)(1) defines a public record as follows:

- (1) "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, \* \* \*."

Therefore, the City of Painesville makes the assumption that everything in any file may be subject to the Ohio Public Records Act, except those items identified in paragraph 5 below. This would not only include paper documents but also email, computer files and other electronic data, photographs and videos.

### 2. Request for Public Records

A request for records under the Ohio Public Records Act may be verbal or in written form. A written request should be sought, but is not required, in order to clarify what records are being requested. Verbal requests should immediately be reduced to writing by the person taking the request. All public records requests should be directed to the department head, or designated personnel, of the area in which the request is being made. The department head, or of authorized personnel, will review the request and determine whether the requested records fall within the Public Records Act.

### 3. Response to Request (See, Section 149.43(B)(1), Ohio Revised Code)

A request may involve an individual wanting to inspect records or to receive copies of records. A valid public records request shall be promptly prepared. The record shall be made available for inspection by any person at all reasonable times during regular business hours, subject to certain exceptions as outlined by the Ohio Revised Code. Upon request, a public office or person responsible shall make copies available "at cost within a reasonable period of time". The scope and volume of the request will dictate the timeliness of the prompt response. Cost should be determined from time to time so as to be in compliance with the statute. The requestor will not be permitted to make their own copies of the request records. No original documents will be permitted to leave the control of the City of Painesville but may be inspected under supervision.

### 4. Types of Records

Public offices generally hold three types of records:

- a. Public records that are not subject to any exception, which must be released;
- b. Public records that are subject to an exception, which may be released if the public office chooses to waive the exception; and
- c. Highly confidential records the release of which is prohibited by law and must not be released, even if the public office would like to do so.

### 5. Exceptions to the Public Records Act

Exceptions to the Public Records Act are narrowly construed. If a record does not clearly fit into one of these exceptions, a public office must disclose the record. The following are some of the expressly stated exceptions to the Public Records Act and some of the more common exceptions falling within the "catchall" exception;

- a. Medical records (but excluding health records in personnel files);
- b. Trial preparation records;
- c. Confidential law enforcement investigatory records;
- d. Records the release of which are prohibited by federal or state law (e.g., attorney-client privileged information, tax records)
- e. Information pertaining to the recreational activities of a person under the age of eighteen.

Public Records Request Forms are available online or may be obtained from the Human Resources Department on the 2<sup>nd</sup> floor of Painesville City Hall.