

CHAPTER 105
Public Records Policy

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CROSS REFERENCES
Availability of Public Records – see O.R.C. 149.43

105.01 DEFINITIONS.

All words used in this Chapter shall have their customary meaning, except those specifically defined in this section:

(a) City. Where the term “City” is used herein, it shall mean the Department, public official or other person have charge and custody of the public records being requested.

(b) Commercial. “Commercial” does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(c) Cost. “Cost” means the cost of depleted supplies; record storage media costs; actual mailing costs; any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services or transcription services; and/or any other cost for materials, equipment, and other things necessary for the retrieval, copying and transmitting of the documents.

(d) Public Record. “Public record” shall mean any record that serves to document the organization, policies, functions, decisions, procedures and other activities of the Council and the City’s administrative offices, boards and committees; shall be determined by an “actual use” standard; and shall be defined as in Section 149.43(A) of the Ohio Revised Code and the same exceptions outlined in that Section shall apply.

(e) Reasonable. This standard will be judged within the context of the circumstances of each individual request.

(f) Reasonable Request. A request to inspect public records or for copies thereof shall reasonably identify what public records are being requested, and shall not be ambiguous or overly broad. If a request is not reasonable, the City 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 and accessed in the ordinary course of the City’s business.

(g) Redaction. “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of “public record.”

(h) Regular Business Hours. “Regular Business Hours” means the normal business hours of the City of Franklin Municipal Building, excluding holidays or any day that the Municipal Building is closed.

(i) Requester. The City may ask the person requesting the inspection or copies of public records for the requester's identity, may ask that the request be made in writing, and/or may inquire about the intended use of the information requested; however the City may only so request after it has disclosed to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use, and only when a written request or disclosure of identity or intended use would aid the City in identifying, locating, or delivering the public records sought by the requester. Nothing in this section, however, shall limit the City's right to ask for certification that the records will not be used for commercial purposes, as otherwise provided in this Chapter.

105.02 INSPECTION OF RECORDS.

All public records maintained by the City of Franklin, Ohio, shall be made available for inspection to any person, within a reasonable amount of time, upon reasonable request, at a reasonable time during regular business hours; subject to the limitations that such inspection does not endanger the safety of the record, does not unreasonably interfere with the discharge of the duties of the City officer having custody of the records, and/or does not contain information that must be redacted pursuant to federal or state law.

105.03 COPIES.

(a) General.

- (1) Reasonable Request. A request for copies of any public records must be specific and particularly describe what is being sought. If a request is ambiguous or overly broad, the City 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 and accessed in the ordinary course of the City's business.
- (2) Medium. Any person making a reasonable request for a copy of a public record may choose to have the public record duplicated on paper, upon the same medium upon which the City keeps it, or upon any other medium upon which the Clerk of Council determines that it can be reasonably duplicated as an integral part of the normal business operations of the City. The City shall provide a copy of the public record in accordance with the choice made by the person seeking the copy, provided that the requester has paid in advance for cost of the copy or copies.
- (3) Size of Request. If a request is of such a magnitude or scope that the only way for the City to meet such request is to hire an outside contractor to make the copies, such request will only be met upon the payment of the costs of said services by the requester directly to the contractor.

(b) Recordings.

- (1) All meetings of the Franklin City Council will be recorded on audio tapes, CD's or other recording medium, and such recordings will be the official minutes for such meetings. Copies of the recording will be available upon payment of cost, which shall be Two Dollars (\$2.00) per tape, CD or other medium, and the copies will be completed within five business days of the request. A request for more than three tapes, CDs or other medium will be made available within a reasonable amount of time. The cost of duplicating the tape(s) must be paid in advance. No person requesting a copy of a recording shall be permitted to make his own copy.
- (2) The cost for transcription of the recordings will be the actual cost to the City of hiring someone to transcribe the recordings, and must be paid in advance. A request for a transcription shall require a minimum of two (2) to three (3) weeks per recorded meeting before the copy will be available in the requested form.

(c) Paper Records.

- (1) All public records maintained by the City in paper form shall be available upon payment of costs for the copies, and will be made available within a reasonable amount of time, depending upon the size of the public record(s) requested. The cost of copying must be paid in advance. No person requesting a copy of a public record maintained by the City in paper form shall be permitted to make his own copy.
- (2) The costs of copies shall be as follows:

8½ x 11 black and white	\$0.15 per page
8½ x 14 black and white	\$0.15 per page
16 x 20 or larger	\$0.20 per page (color not available)

(d) Mailing. After the public records requested are copied upon the requested medium, the copies shall be transmitted to the person requesting them by United States mail or by other means of delivery or transmission within a reasonable period of time. The person requesting the copies must pay in advance the cost of postage if the copies are transmitted by United States mail or the cost of delivery if the copy is transmitted by other than United States mail, and to pay in advance any other costs incurred for other supplies used in the mailing, delivery or transmission. The Clerk of Council will determine, depending upon the size of the request, the cost of the mailing, delivery or transmission. If the person requesting the records does not wish to have the copies mailed or otherwise delivered to him, he must notify the City of such at the time of his request and must sign a form indicating his preference not to have the copies mailed or otherwise delivered.

105.04 REDACTION.

If a requested public record contains information that is exempt from the duty to permit public inspection or to copy the public record, all of the information that is not exempt shall be made available to the requester. All redactions shall be plainly visible and/or the requester shall be notified of the redaction.

105.05 DENIAL OF REQUEST.

If a request to inspect or for copies of public records is ultimately denied, in part or in whole, the City shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation of the denial shall also be provided to the requester in writing.

105.06 LIMITATIONS.

(a) The number of records requested by any person shall be limited to ten (10) per month, unless the person certifies to the City, in writing, that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(b) No person requesting to inspect or requesting copies of any public record shall have the right to make his own copies of the public record.

(c) The City is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or obtain a copy of any public record concerning what would be a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request is for the purpose of acquiring information that is subject to release as a public record under Ohio law and this Chapter and the judge who imposes the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

105.07 POLICE AND FIRE DEPARTMENTS.

Authority is hereby given to the Chief of Police and the Fire Chief to enact separate public records policies for their respective departments, so long as said policies comply with Ohio and Federal law.

