

Westerville

Open Records Policy

- The City of Westerville will manage and make available public records in accordance with all applicable laws, ordinances, and the City Records Retention Schedule.
- Anyone may request a Public Record.
- Subject to certain legal exceptions, a “Public Record” is generally defined as any item kept by the City that is ALL of the following:
 - (1) Stored on a fixed medium **AND**
 - (2) Created, received, or sent under the jurisdiction of the City, **AND**
 - (3) Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the City.
- The City may ask for additional information to assist in satisfying the needs of the requester, but the person making the request:
 - (1) Does NOT need to make the request in writing
 - (2) Does NOT need to reveal his or her identity
 - (3) Does NOT need to provide any information relative to their intended use of the requested public record.
- If a request for Public Records is denied, the requester is entitled to an explanation of the reasons for that denial.
- Certain information in a requested Public Record may be redacted (blacked-out); the requester is entitled to an explanation of the reasons for any redactions.
- Public Records are available during the normal business hours of this office. If copies are desired, copies will be provided, subject to a charge for the cost of producing those copies.



**OFFICE OF THE CITY MANAGER
CITY OF WESTERVILLE**


EXECUTIVE ORDER NO. 07-01

PUBLIC RECORDS POLICY

The following is hereby ordered:

1. The attached Public Records Policy shall be distributed by the Department Heads to each City Employee having custody of the public records in their respective City Departments.
2. The City employees having custody of the public records in each City Department shall acknowledge the receipt of a copy of the Public Records Policy by means of a signed memo of acknowledgement filed with the City Clerk.
3. Copies of the attached Public Records poster shall be posted in a conspicuous place in each Department and in every location where a Department has branch offices.
4. City employees will be instructed by their various Departments to implement and follow the procedures outlined in the Public Records Policy.
5. Department Heads may exercise their discretion to institute additional Department procedures in furtherance of the City goal of promptly providing public records upon request in accordance with the Public Records Policy.
6. The Human Resources Administrator shall take appropriate action to include the Public Records Policy in the City Employee handbook.

THIS EXECUTIVE ORDER IS ISSUED AND EFFECTIVE THIS 28TH DAY OF SEPTEMBER, 2007



G. David Lindimore, City Manager

CITY OF WESTERVILLE

PUBLIC RECORDS POLICY

The City of Westerville will manage and make available public records in accordance with all applicable laws, ordinances, and the City Records Retention Schedule. This Public Records Policy establishes the procedures the City will use for receiving and responding to requests for public records. This policy supersedes any and all previous records requests policies and procedures.

REQUEST FOR PUBLIC RECORD

A request for public records does NOT need to be in writing. The person making the request does NOT need to reveal his or her identity. The person making the request does NOT need to provide any information relative to the intended use of that public record. The City employee having custody of the records may ask for such information to assist in satisfying the needs of the person making the request, however, the City employee shall first inform the requester that they are NOT required to provide such information. No public records request shall be denied solely because the requestor refused to make the request in writing, refused to disclose his or her identity, or refused to disclose his or her motive for making the request.

If the City employee having custody of the records cannot reasonably determine which public record is being requested, the person making the request shall be asked to restate their request. The public office shall assist the requester by informing them of the types of records maintained in that office and the manner in which they are stored and accessed.

There is no limit on the number of records that will be made available to any single person, and there is no express limit on the number of records that will be made available during a fixed period of time.

If a City policy and procedure for transmitting public records is established, the number of records requested by a person that the office will transmit by U.S. Mail may be limited to ten per month, unless the person certifies to the public office, in writing, that the person does not intend to use or forward the requested records, or information contained in them, for commercial purposes. "Commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation of the operation or activities of government, or nonprofit educational research.

If the request appears to be made by the news media, the City employee shall process the request and also immediately notify his or her supervisor. If the request presents a high probability of litigation, or a unique issue not previously addressed, contact the Law Department as the request is being processed.

The City employee having custody of the records shall keep a dated copy of any request made in writing and shall make, for City purposes, a written record of the date and description of any request not made in writing.

PROVIDING THE PUBLIC RECORD

If a requested public record has been identified with some degree of particularity, such that the City employee having custody of the records can reasonably determine which public record has been requested, AND the requested public record exists, AND it is not exempt from disclosure, the City employee having custody of the requested record shall promptly make the public record available for inspection.

The City has no obligation to create new records or perform analysis of existing information. An electronic record shall be deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering and querying.

If a public record contains information exempt from disclosure, the public record shall be appropriately redacted prior to making it available for inspection. Any redaction shall be plainly visible, or the requestor shall otherwise be notified of the redaction. Unless a redaction is authorized by federal or state law, the requestor shall be provided with an explanation for the redaction. If the request was in writing, the explanation for the redaction shall be provided in writing.

An office employee shall accompany the requestor at all times during inspection to make certain original records are not removed or altered.

In processing a request for copies, the public office shall provide copies on any medium requested by the requestor, including paper or upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium which the public office or person responsible for the public record determines it can reasonably be duplicated as an integral part of the normal operations of the public office. Consistent with the foregoing parameters, the copies shall be provided in the medium chosen by the requestor. The requestor is not entitled to make the copies themselves.

Copies of the record, if requested, shall be provided in a reasonable amount of time, at cost (including postage and mailing materials), in accordance with a fee schedule maintained by the City, which fee schedule shall be subject to modification from time to time at the reasonable discretion of the City.

In processing the request for copies, the office shall provide copies by ordinary United States mail, if so requested, or by any other reasonable commercial means of delivery or transmission. The public office may adopt a policy and procedure for transmitting public records. The requestor may be charged for the cost of transmission.

DENYING A REQUEST FOR PUBLIC RECORD

If, after attempting to assist the requester, the City employee having custody of the records cannot reasonably determine which public record is being requested, OR the request is overly broad or ambiguous, OR the requested public record is entirely exempt from disclosure, the request shall be denied.

The City has no obligation to create new records or perform analysis of existing information. A request that seeks to have the City create new records or perform analysis of existing information may be denied.

If a request for public record is denied, the City employee having custody of the records shall provide to the requestor an explanation for the denial. The explanation shall describe the legal authority for denying the request. If the request was made in writing, the explanation of the denial shall be provided in writing.

If a public record contains information exempt from disclosure, the public record shall be appropriately redacted prior to making it available for inspection. Any redaction shall be plainly visible, or the requestor shall otherwise be notified of the redaction. Unless a redaction is authorized by federal or state law, the requestor shall be provided with an explanation for the redaction. If the request was in writing, the explanation for the redaction shall be provided in writing.

If a request for public record is denied, the City employee having custody of the records shall forward to the City Clerk a written memorandum, acknowledged by his or her supervisor, if any, including the date and time of the request, a copy of the written request or a description of the non-written request, and an explanation of the reason for denial.