



VILLAGE OF COVINGTON

POLICY – ADMIN – 07-22 PUBLIC RECORDS POLICY

1. Purpose.

The Village of Covington, Ohio hereafter referred to as the Village, acknowledges that it maintains many records that are used in the administration and operation of the Village. In accordance with state law, the Village has adopted a Schedule of Records retention and disposition that identify these records and this schedule is available at the Fiscal Officer's Office. This schedule lists generally the types of records that are stored on a fixed medium, like paper, that are created, received, or sent under the jurisdiction of the Village and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Village.

2. Custodian of Public Records; When Available

The Fiscal Officer is the official Public Records Custodian of all records which are centrally maintained by the Village. Department heads are the official custodians of all records maintained within their departments. Public records requests should be made directly through the Public Records Custodian who will work with department heads to meet the request.

Requests for records from the Police Department should be made directly to the Police Chief or his designee.

Public Records requests will be accommodated during regular business hours when office maintaining said records are open for business. Public records requests will not be accepted on weekends or holidays.

3. General Provisions

Section 1. Public Records

Public records are to include any document on paper or electronically 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 Covington are public unless they are specifically exempt from disclosure under Ohio Revised Code or federal law.

All records shall be organized and maintained so that they are readily available for

VILLAGE OF COVINGTON

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inspection and copying.

Section 2. Records Requests

Any person may make a public records request of the Village and such requests shall be evaluated for a response using the following guidelines:

- a. 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 Public Records Custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.
- b. The Public Records Custodian may ask the requester to put a verbal request in writing, may ask for the requester to give identifying information, or may inquire about the intended use of the information; but a written request is not mandatory, identifying information is not required and the intended use does not have to be disclosed. However, providing such information would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate and deliver the public records requested.
- c. Public Records can be accessed by one of the following methods:
 - 1) A request to view public records in person;
 - 2) A request for copies of public records that the requester will personally pick up from the Public Records Custodian; or
 - 3) A request for copies of public records that the requester wants to have mailed or otherwise transmitted to the requester.
- d. Public records must be made 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.
- e. **Requests to View Public Records.** The requester may make a request to view public records. The Records Custodian shall prepare the public records for inspection "promptly", as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances.
- f. **Copies of Public Records.** The requester may make a request to the Public Records Custodian to have copies of public records made.
- g. **Transmission of Public Records.** The requester may request that copies of public records be transmitted by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records. The cost of transmission must be paid by the requester before the public records will be provided. While the Village is under no obligation to provide records in electronic format, it is the policy of the Village to provide information to the public in the most practical and convenient manner, considering all of the circumstances.

VILLAGE OF COVINGTON

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Therefore, if the Village receives a request for information to be made available in an electronic format, such request will be forwarded to the Public Records Custodian for a determination as to whether such information will be generated and released in an electronic format.

- h. 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, budgets, salary information, forms and applications, and personnel rosters. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made as quickly as the equipment allows.
- i. All requests for public records must either be satisfied or be acknowledged in writing by the public office within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking voluminous number of copies or requiring extensive research, the acknowledgement must include the following:
 - 1) An estimated number of business days it will take to satisfy the request.
 - 2) An estimated cost if copies are requested.
 - 3) Any items within the request that may be exempt from disclosure.
 - 4) 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. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Fees and Payment

Those seeking public records will be charged only the actual cost of making copies or printing pictures and shall also pay the actual cost (e.g. postage) of delivery and other supplies used in mail, delivery or transmission of the public record. Payment for public records requests may be required prior to the actual copying or printing of records.

Copies made on letter or legal-size paper are \$0.05 per page. If the Public Records Custodian uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be "at cost," without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records

VILLAGE OF COVINGTON

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Custodian's discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by "reducing" copy size or otherwise, may be met at the discretion of the Public Records Custodian.

Ohio law may provide for specific fees to be charged for certain records (e.g. police reports, etc. pursuant to R.C. 5502.12)

Section 4. Denial of a public Records Request

Under certain circumstances, some records may not be "public records" under Ohio law or are exempt from disclosure under federal law. In these situations, the public record request will be denied on that basis. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for verbal public records requests. 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. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, unless federal or state law authorized or requires the redaction.

- a. **Redaction.** When a public record contains information that is not within the definition of a "public record" as defined by law, or is exempted by law, the Public Records Custodian will make available that portion of the public record that does meet the definition of a "public record". The Public Records Custodian shall make a copy of the public record, perform the redaction, then make a copy of that sheet and make the second copy available to the requester. The requester will not be charged for the first copy made. If practical, the first copy will be retained by the Public Records Custodian.
- b. **Ambiguous, overly broad, or difficult to identify.** Requests that are ambiguous, overly broad, or are difficult to identify the public records requested. At times, a requester may make a public records request from which the Public Records Custodian cannot determine which public records are being sought. In such circumstances, the Public Records Custodian will inform the requester that the public records request is denied but will give the requester an opportunity to more accurately describe the public records sought. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian will inform the requester of the manner that the public records of the office under discussion are maintained and accessed. The requester may then submit a public records request that more accurately reflects the actual organization of the public records sought.

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Section 5. Compliance

The Public Records Custodian reserves the right to consult with legal counsel prior to the release of any public records to comply with laws regarding the release of certain records.

Section 6. Failure to respond to a public records request

The Village of Covington recognizes the legal and non-legal consequences of failure to properly respond to a public records request.

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