

**Public Records Policy**  
**Office of the City Attorney**  
**Published pursuant to R.C. 149.43(E)(2)**  
**on the Nelsonville Info. website**  
**<http://wss.hunterlawoffices.us/nelsonvilleinfopage/default.aspx>**  
**Garry E. Hunter, City Attorney**

**Section 1. Public records**

This office, in accordance with Ohio Revised Code Section 149.011(G), Code, defines records as any document, device, or item, regardless of physical form or characteristic including an electronic record (including, but not limited to, e-mail), created or received by or coming under the jurisdiction of the Office of the City Attorney that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this office are public unless they are specifically exempt from disclosure under the Ohio Revised Code. Certain records of the Office of the City Attorney may be exempt from disclosure based on attorney-client privilege and as work-product in reasonable anticipation of litigation.

**Section 1.1**

It is the policy of the Office of the City Attorney that records will be organized and maintained so that they are readily available for prompt inspection and upon request, copying within a reasonable period of time. Pursuant to R.C. 149.43(B)(6), the person making the request has no right to make the copies.

**Section 1.2**

Pursuant to R.C. 149.39, the Nelsonville City Records Commission provides the rules for retention and disposal of records of the Office of the City Attorney. This office will have a copy of its current records retention schedule readily available to the public.

**Section 1.3**

The Secretary for the City Attorney will be the records custodian of all records for the Office of the City Attorney.

**Section 2. Record requests**

Each request for public records will be evaluated for a response using the following guidelines:

## **Section 2.1**

The Ohio Revised Code does not specify the language required of the requester to make a request. However, the requester must at least identify the records requested with sufficient clarity to allow the Office of the City Attorney to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will ask the requester for clarification, and will assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

## **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.** However, pursuant to R.C. 149.43(B)(5), "A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identify, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity of the intended use and when a written request or disclosure of the identify or intended use would benefit the requester by enhancing the ability of the public office or person responsible for the public records to identify, locate, or deliver the public records sought by the requester."

## **Section 2.3**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records will be made available for inspection promptly. Copies of public records will 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 including review for and actual redaction.

## **Section 2.4**

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately, if feasible to do so. 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 will be made as quickly as the equipment allows. If more than 20 pages of copies are requested, an appointment will be made with the requester to pick up the copies or computer files. All requests for public records will either be satisfied or be acknowledged in writing by the Office of the City Attorney within three business days following this office'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 will 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 will include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. If there are redactions, each redaction will 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. The requester may be asked to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made to seek the copy, including supplies used in mailing, delivery or transmission (faxes) and cost of postage.

**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.

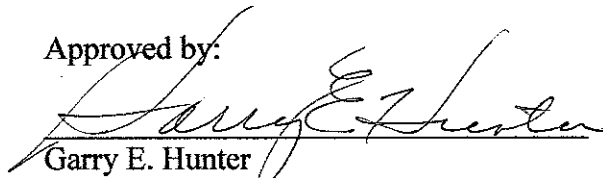
**Section 3.4**

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

**Section 3.5**

Pursuant to R.C. 149.43(B)(7), the Office of the City Attorney may limit the number of records requested by a person that will be sent through the mail to ten (10) per month unless the requester certifies in writing that there is no intent to use or forward the record for commercial purpose.

Approved by:

  
Garry E. Hunter  
City Attorney  
City of Nelsonville

9/27/07  
Date