




**CITY OF DUBLIN  
ADMINISTRATIVE ORDERS  
OF THE CITY MANAGER**

<b>ADMINISTRATIVE ORDER 1.18</b>
<b>TO:</b> All City of Dublin Employees
<b>FROM:</b> Dana McDaniel, City Manager 
<b>SUBJECT:</b> Public Records Policy
<b>DATE:</b> July 28, 2022
<i>Supersedes and replaces Administrative Order 1.18, dated November 26, 2007 regarding same subject.</i>
<b>PROPONENT:</b> Director of Court Services & Director of Legislative Services.

**1. PURPOSE**

To provide a Public Records Policy to public officials and employees in making records available to the public in accordance with Ohio's Public Records Act [ORC 149.43]. Openness and transparency are essential for a strong community. It demonstrates integrity, increases trust, and builds confidence in our local government. The City of Dublin strictly adheres to the State of Ohio's Public Records Act and all exemptions to openness are to be construed in their narrowest sense.

**2. DEFINITIONS**

A. *Records* – Any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in R.C. 1306.01, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

B. *Electronic Records* – A record created, generated, sent, communicated, received or stored by electronic means. A record or contract that is secured through block chain technology is considered to be in an electronic form and to be an electronic record.

C. *Public Records* – Records kept by any public office. All records of The City of Dublin are public unless they are exempt from disclosure under the Ohio Revised Code.

D. *Public Office* – Any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government.

E. *Records Officer* – The Dublin employee responsible for managing their respective department/division's records, and generating and fulfilling public records requests as needed.

F. *Just FOIA* – The Citywide software solution that the City of Dublin uses to house, generate, fulfill and track public records requests.

### **3. MAINTENANCE OF RECORDS AND TRAINING**

As required by Ohio law [ORC 149.43 (B) (2)], records shall be organized and maintained so that they are readily available for inspection and copying during normal business hours. The records retention schedule shall be updated regularly and posted prominently. Each division shall designate a Records Officer who will be responsible for ensuring routine public records requests are responded to promptly. The Records Officer shall complete the following:

(1) acknowledgement of this policy;

(2) all training required for Just FOIA;

(3) required training on Ohio Sunshine Laws provided by the Ohio Attorney General's Office at the following link;

a. <https://www.ohioattorneygeneral.gov/legal/sunshine-laws/sunshine-law-training>

### **4. ELECTRONIC RECORDS**

Electronic records shall be treated in the same manner as records in other formats. Emails, text messages and instant messages, for example, may be public records if their content documents the business of the office. Records transmitted to or from private email accounts to conduct public business are subject to disclosure, and all employees or representatives of the City of Dublin are required to retain them in accordance with applicable records retention schedules.

### **5. RECORD REQUESTS**

A. Requests made through Just FOIA by the requester will be routed to Legislative Services. Legislative Services will route requests to the appropriate City

Department(s)/Division(s) for handling within Just FOIA. Should the department receive a public records request outside of Just FOIA (via e-mail or verbally), the Records Officer is responsible for putting the request into the Just FOIA software and fulfilling it using the software. No matter how received, each request for public records will be evaluated for a response using the following guidelines:

(1) Although no specific language is required to make a request, the requester must identify the records requested with sufficient clarity to allow the appropriate director or their designee to identify, retrieve, and review the records. If it is not clear what records are being sought, the Records Officer must contact the requester for clarification, and should assist the requester in revising the request by informing them of the manner in which the office keeps its records.

(2) The requester is not required to put a records request in writing and is not required to provide their identity or the intended use of the requested public record. It is the City of Dublin's general policy that this information is not to be requested. However, Legislative Services and/or the Records Officer may ask for a written request and may ask for the requester's identity and/or intended use of the information requested if; (1) it would benefit the requester by helping the public office identify, locate or deliver the records being sought, and (2) the requester is informed that a written request and the requester's identity and intended use of the information requested are not required.

(3) If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that Legislative Services or the Records Officer cannot reasonably identify what public records are being requested, the request may be denied, but the City must then provide the requester an opportunity to revise the request by informing them of the manner in which records are maintained and accessed.

(4) Public records shall be made available for inspection from 8 a.m. to 5 p.m., Monday through Friday during regular business hours, with the exception of recognized holidays. 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.

(5) The Division/Department Records Officer shall evaluate each request to determine an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately, if feasible.

B. If a public records request is not routine, voluminous, and/or will require the coordination of responses from more than one department/division, the request shall be routed to Legislative Services. Legislative Services will be responsible for coordinating the response to the request. All non-routine requests that cannot be completed in three business days following receipt must be acknowledged in writing by the Clerk of Council/Director of Legislative Services. If a request is voluminous or will require 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.

C. 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 must be redacted, and the rest released. The Just FOIA software auto-redacts exempt information and provides a supporting explanation, including legal authority. If there are questions about whether a record is exempt or not and/or additional redactions that may be needed and explained, contact Legislative Services and they will coordinate with the Legal Department.

D. Those seeking public records will be charged only for the actual cost of making copies.

- (1) Paper copies - 5 cents per page.
- (2) Compact disc/DVD - \$1 per disc.
- (3) Emailed documents - no charge.
- (4) Mailed documents - The actual cost of the postage and mailing supplies.

## **6. CENTRALIZED PUBLIC RECORDS REQUEST LOG**

The Just FOIA system allows for tracking and reporting all public records requests. To aid in the auditing process, it is imperative that all records requests are put into this system. Public records request logs held by the department/divisions prior to the introduction of Just FOIA should be kept in accordance with the Records Retention Schedule.

## **7. FAILURE TO RESPOND TO A RECORDS REQUEST**

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

(1) In addition to the distrust in government that failure to comply may cause, the City of Dublin's failure to comply with a request may result in a court ordering the City of Dublin to comply with the law and to pay the requester's attorney's fees, court costs and damages.

(2) As stated above in section 5C, if a request is ambiguous, overly broad, or such that the office cannot reasonably identify what public records are being requested, the public office shall provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

(3) Any denial of public records in response to a request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing. Any denial of public records must be done in consultation with the City of Dublin Law Director.