



Human Resources Department City of Warren

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ADMINISTRATIVE ORDER NO. 2022-01

TO: ALL CITY DEPARTMENT HEADS, ELECTED OFFICIALS AND EMPLOYEES

SUBJECT: PUBLIC RECORDS POLICY

EFFECTIVE: SEPTEMBER 13, 2022

INTRODUCTION:

The City of Warren public records policy is intended to assist employees and officials in complying with both the letter and the spirit of the Ohio Public Records Act. Access to public records is vital in creating an informed and engaged citizenry. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by a written explanation, including legal authority, as outlined in the Ohio Revised Code.

SECTION 1: DEFINING PUBLIC RECORDS

A “record” is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the City of Warren’s jurisdiction that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A “public record” is a “record” that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law.

SECTION 2: RECORD/INSPECTION REQUESTS

Each request for public records shall be completed in the following manner:

Section 2.1: Request for records shall be documented on the Warren Public Records Request Form. If the requestor prefers to submit the request verbally, the employee shall complete the form. No specific language is required to make a request; however, the requestor must identify records with sufficient clarity to allow the public office to identify, retrieve, and review the records. If the request is unclear or overbroad, it is the employee’s duty to attempt to clarify the records sought and advise the requestor the manner in which the records are kept and organized.

Section 2.2: The requestor may be asked for their name, contact information, and purpose of the request. The requestor is only required to provide enough information to be contacted if clarification is needed or for the production of records. The purpose for the records, while not required, may assist in understanding and effectively responding to the request.

Section 2.3: Upon completion of the request form, the employee shall enter the request on the Warren Public Records Request Log and immediately forward the request to the records custodian.

Section 2.4: The records custodian shall review the request and produce the requested records within a reasonable time, considering all factors of the request. Records requested for inspection should be promptly made available during regular business hours. Prompt and reasonable times are determined by 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. Requests should be satisfied or acknowledged as soon as is practicable. If a request is deemed significantly beyond “routine,” such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement should include an estimated number of business days it will take to satisfy the request and an estimated cost, if applicable.

Section 2.5: In processing the request, the records custodian does not have an obligation to create new records or conduct research for information within the office’s records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office’s standard use of sorting, filtering, or querying features.

Section 2.6: Upon completion of the records request, the records custodian shall complete the Warren Public Records Request Response Form, produce the records to the requestor, and document completion of the request on the Warren Public Records Request Log.

SECTION 3: COSTS FOR PUBLIC RECORDS

The requestor is only responsible for the actual cost of copies, supplies, and delivery. Copies of records shall be charged at \$.05 per letter or legal-size page. Any records produced in other formats will be charged by the actual cost of the material. The requestor shall never be charged for any employee time in any aspect of the record production process. The requestor may be required to submit payment for records and delivery prior to production. Payment may be made by certified check, money order, or cash.

SECTION 4: ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

SECTION 5: DENIAL OR REDACTION OF RECORDS

If the requestor makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied. Upon denial, the requestor must be informed of the manner in which records are maintained and accessed and provided with an opportunity to revise their request.

If the any records are withheld, redacted, or otherwise denied, the records custodian must provide a written explanation, including legal authority, on the Warren Public Records Response Form. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible.

SECTION 6: COMPLIANCE

The records custodian reserves the right to consult with legal counsel prior to the release of any public records. This is to ensure the city is in compliance with laws regarding the release of certain records.

SECTION 7: RECORDS MANAGEMENT

Records will be maintained in accordance with the appropriate records retention schedule. Additionally, records shall be organized in a manner to best facilitate location and retrieval. The current records schedules are readily available to the public at each department.

SECTION 8: TRAINING AND EDUCATION

Upon designation as records custodian, each custodian must review the Ohio Sunshine Resource Manual and complete the Ohio Sunshine Laws Training provided by the Ohio Attorney General. Records custodians shall sign and return the Acknowledgement of Receipt of Public Records Policy Form and the Certificate of Completion of the Ohio Sunshine Laws Training to the Law Department to verify they have received the policy and completed the appropriate training.

All elected officials associated with the public office, or their designees, must obtain three hours of certified public records training through the Ohio Attorney General's Office once during each term of office.

The Law Department is available to assist anyone needing guidance and compliance instruction, as well assistance in accessing the Ohio Sunshine Laws Manual and Training online.

SECTION 9: DISTRIBUTION OF THIS POLICY

Each records custodian shall retain a copy of this policy and their department's applicable records retention schedule. The Warren Public Records Policy Poster shall prominently be displayed at various buildings where the public may access the City's public records. A copy of this policy and city's records retention schedule can be found online at <https://www.warren.org/public-records-policy>.

AS SO ORDERED,

Eddie L Colbert
Director of Public Service and Safety

Attachments:

Attachment A – Public Records Policy Poster

Attachment B – Public Records Request Form

Attachment C – Public Records Request Response Form

Attachment D – Public Records Request Log

Attachment E – Policy Acknowledgement Form

The 2022 Ohio Sunshine Law Manual & Training can be accessed via this link:

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