

## **VILLAGE OF PENINSULA PUBLIC RECORDS REQUEST POLICY**

(A) **Purpose and Scope.** The Village of Peninsula adheres to the policy that openness and transparency lead to a better-informed citizenry, which, in turn, promotes a better and more responsive government. It is always the mission and intent of the Village to fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act. Should changes to the law be adopted that conflict with the provisions of this Policy, applicable Ohio and federal law will supersede this Policy.

(B) **Definitions.**

(1) "Records" shall be defined as set forth in Ohio Revised Code Section 149.011(G). "Records" includes any document, device, or item, regardless of physical form or characteristic, including electronic records created, received by, or coming under the jurisdiction of the Village that serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Village.

(2) A "public record" shall be defined as set forth in Ohio Revised Code Section 149.43(A)(1). A "Public Record" means a record kept by the Village at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio and federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

(C) **Procedures for Record Requests.** Each request for public records should be evaluated for a response using the following guidelines:

(1) 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 Village to identify, retrieve, and review the records. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Village cannot reasonably identify what public records are being requested, the request may be denied. The Village must then provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office. Although the requester may designate the format in which such documents are to be placed for inspection or produced, the Village is not required to create new records that otherwise do not exist, put the requested documents into a format that is not within the ordinary scope of its normal record-keeping functions or normal capabilities, or perform a search or research for information in the Village's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Village's standard use of sorting, filtering, or querying features. Although not required by law, the Village may, at its sole discretion, consider generating new records when it makes sense and is practical under the circumstances.

(2) Requests do not have to be put in writing, and the requester does

not have to provide their identity or the intended use of the requested public record(s). It is the Village's general policy that this information is not to be requested. The law does, however, permit the Village to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if: (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the Village's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and the requester may decline to reveal the requester's identity or intended use. To enhance the Village's ability to comply with the requester's intended request, the Village recommends that all public records requests be put in writing and contact information for the requester be provided.

(3) Public records are available for inspection during regular business hours, except for holidays. Public records are to be made available for inspection promptly. Requests for copies of public records are to be complied with within a reasonable period. The words "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 and redaction, and other facts and circumstances of the requested records. In processing a request for inspection of a public record, an employee may accompany the requester during the inspection to make certain original records are not taken or altered.

(4) 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 it is feasible to do so.

(5) All requests for public records must either be satisfied or be acknowledged in writing within three business days following the Village's receipt of the request.

(6) If the Village withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority for the withholding, redaction, or denial. If the initial request was made in writing, the explanation must also be in writing. 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 or producing requested records, the Village shall notify the requester of any redaction or make the redaction plainly visible.

(7) The Village shall have no duty to provide records acquired after a request for records is satisfied.

(8) Public records will only be copied by authorized employees. The Village may utilize an outside vendor in making the copies. Under no circumstances will requesters be permitted to make copies themselves.

(9) Police Department records requests should be directed to the Police Chief. All other public records requests should be directed to the Village Administrative Assistant or Fiscal Officer.

(D) Copying and Mailing Costs. Those seeking public records may be charged only the actual cost of making copies, not labor. Charges for paper copies of public records shall be five cents per page. The fee may be waived for responses that consist of twenty pages or less. The charge for electronic files that are produced on a compact disc or thumb drive is \$2.00 per disc or drive. A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably duplicated as an integral part of the office's normal operations.

(1) There is no charge for emailed documents.

(2) If the request asks that the documents be mailed or delivered, the actual postage cost of the mailing or cost of delivery is required to be paid in advance of the mailing.

(3) The Village will not charge, under any circumstances, for an employee's time to compile or provide the responsive records or otherwise comply with a public records request.

(E) 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 Village employees or officials are required to retain their e-mail or other electronic records in accordance with applicable records retention schedules.

(F) The Village's records are subject to the Village of Peninsula Records Retention Schedule. The Village's current Records Retention Schedule is available at the Village Administrative Office as required by Ohio Revised Code Section 149.43(B)(2).

(G) A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website ([www.ohioattorneygeneral.gov/yellowbook](http://www.ohioattorneygeneral.gov/yellowbook)) for the purpose of keeping Village employees and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio Public Meetings Act, records retention laws, and the Personal Information Systems Act.

(H) Failure to Respond to a Request. The Village recognizes the legal and non-legal consequences of the failure to properly respond to a public records request. In addition to the distrust in government that the failure to respond might cause, such failure may result in a court ordering the Village to comply with the law and pay the requestor's attorney fees and damages.

*Updated and Enacted March 25, 2026, by Daniel Schneider, Jr., Mayor*