

# City of Parma Heights

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**Effective October 29, 2007**

## **CITY OF PARMA HEIGHTS PUBLIC RECORDS POLICY**

In order to facilitate prompt compliance with the Ohio Public Records Act (Ohio Revised Code 149.43), all persons seeking to inspect or obtain copies of City records are expected to comply with the policy. This policy does not apply to the use of records for official City business by authorized individuals or to persons who desire to inspect or obtain copies of their own records.

Requests may be made in person, by telephone, or in writing.

**Request.** It is the responsibility of the requestor of public records to identify with clarity the records that are sought. The City is under no duty to seek out and retrieve records that contain specific information that is of interest to a requestor.

It is not appropriate to ask the City to search for records containing selected information. For example, a request for any and all records containing any reference to a particular person or subject is overly broad and inappropriate.

The City is under no obligation to create a record that contains the information requested, if it does not already exist.

If the request is determined to be overbroad it can be denied. However, an attempt will be made to work with the requestor to narrow broad requests and identify ways in which records are kept and accessed.

If a request is ultimately denied, in part or in whole, the requestor will be provided with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation will also be provided to the requestor in writing. The explanation does not preclude the City, or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending a suit to obtain the information.

There is no requirement that a requestor disclose their identity or intended use of the records requested.

Written requests will assist in fulfilling the request accurately, however, a written request is not mandatory and the request cannot be denied if the request is not in writing.

The City, or person responsible for responding to the public records request may ask a requestor to make the request in writing, may ask for the requestor's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requestor that [1] a written request is not mandatory and [2] that the requestor may decline to reveal the requestor's identity or the intended use and [3] when a written request or disclosure of the identity or intended use would benefit the requestor, by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requestor.

**Inspection.** Prompt inspection is permitted during the hours of 10 AM and 4 PM.

However, not all records are available for inspection upon demand. Records must often be reviewed and non-public information redacted before inspection can be permitted. Public records will be made available for inspection within a reasonable period of time following the request.

The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information.

Some records are exempt from disclosure or contain information that should be redacted. §149.43 of the Ohio Revised Code contains definitions of those records that are exempt from the Public Records Act. A copy of §149.43 of the Ohio Revised Code is attached. The City has no obligation to make those records available to the public and cannot be forced to make them available to the requestor.

Inspection will be only in the presence of City personnel.

**Copies.** The City will provide copies of records at cost.

Not all records are available for copying upon demand. Records must often be reviewed and non-public information redacted before copying will be permitted. Redaction means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a record, as defined in §149.011 of the Ohio Revised Code.

If information has been redacted the requestor will be able to determine all of the places where information was redacted.

Copies will be provided within a reasonable period of time following the request. The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information. Costs must be paid in advance before copies will be provided.

Only City personnel will make copies.

The person desiring the record may choose the method of duplication, as long as it is the same medium upon which the City keeps it, or some other means, that is a normal part of the operation of the office.

If a request is made by mail, the person requesting the copy must receive it in a "reasonable time". Persons requesting that records be returned by mail shall pay for the postage and other supplies in advance. Copies delivered via US Mail, or by any other means will be charged at cost, in advance.

The owner of a medical record or a legal guardian may obtain medical records after signing a written release form.

Personnel files are public records and must be released upon request, with certain exceptions. These exceptions are; [1] Protected medical information, [2] social security number, [3] and records specifically compiled in reasonable anticipation of litigation. Records that pertain to employee discipline are public records and must be released upon request.

When a public records request is made to examine a personnel file, the affected employee will be notified that their records have been requested.

The number of records that the City will transmit by United States mail to a requestor is limited to ten per month, unless the requestor certifies to the City that they do not intend to use or forward the requested records, or the information contained in them for commercial purposes. Commercial purposes does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or non-profit educational research.

**Payment.**

The requestor shall be required to pay in advance for the cost of the copy format that is requested, as follows;

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|----|---------------|---|
| 1. | Copies        | Five cents per page.                              |
| 2. | E-Mail Copies | No cost.  |
| 3. | Burn to CD    | Actual cost of CD.                                |
| 4. | Standard Mail | Actual cost of postage and supplies + copy costs. |
| 5. | Priority Mail | Actual cost of postage and supplies + copy costs. |
| 6. | Next day Air  | Actual cost of postage and supplies + copy costs. |