



PUBLIC RECORDS POLICY

This public records policy establishes procedures that will be utilized by the Village of Riverlea for the management of its records. Why do we care about our retaining and managing our records? Because they are our organization's institutional memory that:

- documents our management decisions
- provide historical references of transactions and events
- enhance our organization's operational efficiencies
- demonstrates regulatory compliance
- provides litigation support.

The State Archives of Ohio has noted that:

“Government cannot function without the records that serve as an institutional memory. If they are created, maintained, and disposed of in an orderly manner, the records will serve their purpose well and be an asset to the public office that created them. If, on the other hand, they are created, maintained, or disposed of in a haphazard manner, the same records will become a legal liability, waste valuable space, increase operating expenses, and squander staff time.”

Therefore it is important for all the Village's elected and appointed officials and employees to be knowledgeable of and adhere to this policy, in order to maintain an efficient and open government.

In this policy we will:

- define public records
- discuss records management lifecycle
- discuss how we determine how long we keep records
- explain the Village's Records Retention Schedule
- provide guidance for the use of email
- establish procedures for public records requests

A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

-James Madison

DEFINING PUBLIC RECORDS

The Ohio Revised Code (ORC) defines records public agencies as:

“...any document, device, or item, regardless of physical form or characteristic, 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 [ORC 149.011(G)].”

This definition echoes that supplied in ISO 15489:2001 Records Management:

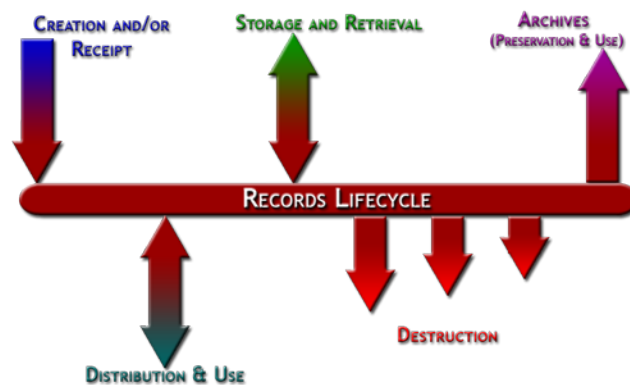
Information is the currency of democracy.
-Thomas Jefferson

"...information created, received, and maintained as evidence and information by an organization or person, in pursuance of legal obligations or in the transaction of business."

As such, the correspondence we receive (whether traditional mail or electronic mail), the reports created, ordinance and resolutions approved, and minutes of meetings amongst other documents created and/or received qualify as public records of the Village and need to be managed appropriately.

RECORDS MANAGEMENT LIFECYCLE

All records have a lifecycle, albeit some longer than others. Records are created, used, kept for valid legal, fiscal, or administrative reasons, and more likely than not destroyed at the end of their lives, although some with enduring historical value will be maintained in an archives. The figure below is a graphical visualization of this concept.



COURTESY OF THE OHIO STATE UNIVERSITY ARCHIVES

CREATION AND/OR RECEIPT: Records maybe created within an organization in many different ways including but not limited to:

- typing/word processing of a document
- typing and sending of an email
- construction of a spreadsheet
- recording of a meeting
- entering of a transaction within an enterprise system
- the receipt of documents
- the receipt of spreadsheets
- the receipt of email

The creation or receipt of a record is the first phase of a record's life.

DISTRIBUTION AND USE: Once a record has been created or received it goes through a phase of distribution and use. During this phase the record is frequently in use. This phase may last only a few hours in the case of a transient record or may last a few years in the case of a short to long term record.

STORAGE AND RETRIEVAL: While many records may be disposed of after their initial use, others are required to be kept for a longer period of time for legal, fiscal, or other administrative reasons. Since immediate access to these records is no longer required during this phase, they are typically stored offsite or offline so as not to burden the storage capacity of the operating office or the efficiency of the operating system.

DESTRUCTION: The final phase for the majority of an organization's records is destruction. Destruction is accomplished in a variety of ways including, but not limited to:

- disposal in trash or recycling bin
- shredding
- incineration
- deleting of electronic file
- shredding of optical disk

Records destruction should be documented appropriately.

ARCHIVES: For records that have an enduring historical value, their final disposition will be to reside in an archive, where they will be preserved for future research and use.

HOW LONG DO WE KEEP RECORDS

There are various reasons that an organization needs to manage its records:

- First and foremost, records must be maintained and managed if there is a law that they are required to be kept.
- Secondly, we look at fiscal reasons for maintaining records, typically maintaining and managing them until an audit is completed.
- Next, we look to our administrative needs above and beyond the legal and fiscal requirements to maintain records.
- Lastly, some records are maintained typically within an archive due to their historical nature.

The amount of time an organization must maintain records depends upon the aforementioned legal, fiscal, administrative, and/or historical informational value, and can be grouped into six major categories, described here in shortest to longest retention periods:

NON-RECORD: Any document, device, or item, regardless of physical form or characteristic, that has been created or received in the course of Village business that

FAILS to "...serve as documentation[sic] of the organization, functions, policies, decisions, procedures, operations, or other activities of offices [sic]..." of the Village.

This may include but is not limited to:

- catalogs
- external Listserv® materials
- junk mail/spam
- non-Village publications
- personal correspondence

TRANSIENT/TRANSITORY RECORDS: Documents including telephone messages, emails, drafts and other limited documents which serve to convey information of a temporary value, have a very short lived administrative, legal and/or fiscal value and should be disposed in an appropriate manner once that administrative, legal or fiscal use has expired. Typically the retention is not a fixed period of time and is event driven; it maybe a short as a few hours and could be as long as several days or weeks.

SHORT TERM RECORDS: Records with a short term retention are documents (including email) of significant administrative, legal, and/or fiscal value having a definitive life, typically ten (10) years or less. Upon expiration of that retention period, the records should be disposed in an appropriate manner as soon as possible.

LONG TERM RECORDS: Records with a long term retention are documents (including email) which have significant administrative, legal, and/or fiscal value and have a life that is typically longer than ten (10) years. Upon expiration of that retention period, the records should be disposed in an appropriate manner as soon as possible.

INDEFINITE RECORDS: Records with an indefinite retention are documents (including email) which have significant administrative, legal, and/or fiscal value; further they have an enduring administrative or historical value, and therefore may be retained until such a point in time as a reappraisal of their value to the organization is conducted.

PERMANENT RECORDS: Records with a permanent retention records are documents (including email) which have significant administrative, legal, and/or fiscal value; further they have an enduring historical value and therefore may be retained forever.

VILLAGE'S RECORDS RETENTION SCHEDULE

The Village of Riverlea's records retention schedule is an articulation and categorization of the aforementioned principles in establishing retention periods in regards to "...any document, device, or item, regardless of physical form or characteristic, created or received by, or coming under the jurisdiction of, any public office...or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office..." The schedule is arranged in a manner that reflects the functional nature of the records:

- Accounting & Financial
- Budget
- General Administrative
- Human Resources
- Legal
- Planning & Zoning
- Public Works
- Taxation

In the retention schedule we identify the following information:

- Functional Category (noted above)
- ID
- Records Series Title and Description
- Retention Period – this may be:
 - a definitive period of time (e.g. 3 years)
 - an event driven period of time (Active + 3 years)
 - transient
 - indefinite
 - permanent
- Disposition – this defines what will happen at the end of the record's lifecycle
- Notes – additional information, typically an explanation of what “Active” means for a particular record series.
- Updated “As Of” – the date the particular series was last reviewed and updated.
- Status – proposed, approved, retired
- Approval Date

EMAIL GUIDANCE

IS EMAIL A RECORD? WELL THAT DEPENDS...what we have to understand is that email is not a record type or **series**, but is a means of conveying information similar to the United States Postal Service. As such its retention is based upon the content of the email message, not the fact that it is an email message.

WHAT IS EMAIL? An email (electronic mail) message is comprised of the following components:

- textual message
- metadata (To, From, Subject, Time, Date, System, etc.)
- attachments

As such, each component is part of the record (or non-record, as the case may be). In many instances, email has taken over the role of "general correspondence" and memorandums, as well as the telephone message. If an email message meets the criteria of a record, it must be managed as such, with as much effort and vigilance as one would a "traditional" record, *however, keep in mind there are only a small percentage that we have to manage for any significant period of time.*

PUBLIC OFFICIALS AND EMAIL: Three issues, regarding the management of email that public officials need to be particularly aware are Ohio’s Open Public Meeting and Public Records Act (“Sunshine Laws”), and the Rules of Civil Procedures. Ohio’s Sunshine Laws are intended to give Ohioans greater access to governmental meetings and records—creating a transparency in governing.

- **Public Meetings:** The Open Meetings Act requires public bodies in Ohio to conduct all official business in open meetings that the public may attend and observe. A “meeting” is defined as (a) a prearranged gathering of (b) a majority of members of a public body (c) for the purpose of discussing public business. Therefore, an email conversation of the Council, Commission, Committee, or sub-division thereof, that includes a simple majority of the members, could be construed as a “closed” meeting.
- **Public Records:** Village elected and appointed officials and employees need to be cognizant of the fact that the email account they utilize for conducting business is subject to scrutiny by the public via Ohio’s Public Records Act (PRA). Therefore, to protect their personal privacy, it is advised that they create a separate account from their personal email account to conduct Village business.
- **Rules of Civil Procedures:** Changes to the Federal Rules of Civil Procedures, that became effective in December 2006, spotlighted the notion that information within an electronic recordkeeping system is discoverable in litigation. Ohio’s similar legislation became effective in the summer of 2007. As with the PRA, Village elected and appointed officials and employees need to be cognizant of the fact that the email account they utilize for conducting business may be subject to scrutiny via a discovery request, should civil litigation be brought against the Village. Therefore, to protect their personal privacy, it is advised that they create a separate account from their personal email account to conduct Village business.

The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them...To cover with the veil of secrecy the common routine of business, is an abomination in the eyes of every intelligent man.

-Patrick Henry

PROCEDURES FOR PUBLIC RECORDS REQUESTS

- **HOW TO MAKE A REQUEST:** In order to be fiscally responsible and best serve its residents, the Village does not employ full or part-time administrative staff that would be available during normal business hours to personally accept a request for public records. Nor does the Village centrally locate its records. Therefore, to enable the requestor promptly inspect and copy public records, requests for public records may be made in any of the following ways:
 - By telephone (Monday – Friday 8:00AM until 5:00PM) at: 614.885.3567
 - By e-mail (24 hours/day) at: clerktreasurer@riverleaoohio.com
 - By regular mail at: PO Box 191, Worthington, OH 43085-0191

- In-person at any regularly scheduled meeting of the Village Council. The Village Council meets on the third Monday of each month at 7:00 P.M., with the meeting schedule being approved at the first meeting in January each year.
- See <http://www.riverleaohio.com/>

To ensure a response, please call 614.885.3567 (Monday – Friday 8:00AM to 4:30PM) and advise the Village that you have submitted a request by e-mail or regular mail.

If specifically requested, within one (1) business day of receipt, the Village will acknowledge the request, provide an estimated response time, and if applicable, clarify the content of what has been requested and make the requestor aware of any potential issues that may arise in responding to the request.

Although no specific language is required to make a request, the requester must identify the records requested with sufficient clarity to allow the Village to identify, retrieve, and provide the records sought. If it is not clear what records are being sought or the request is overly broad, the Village will attempt to contact the requester for clarification, and will attempt to assist the requester in revising the request.

While the requester is *not* required to provide the Village with a written request, his or her identity, or the intended use of the requested public records; providing such information may enhance the Village's ability to respond to the request in a more efficient and effective manner.

- **PROCESSING REQUESTS:** Public records must be made available for prompt inspection. 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 location where the records are stored; and the necessity for any legal review of the records requested. Each request will be evaluated by the Village to determine the estimated length of time required to gather the records and if possible, this information will be provided to the requestor.

In processing the request, the Village is not required to create new records or perform new analysis of existing records or information. An electronic record is deemed to exist so long as the existing Village computer system is programmed to produce the record through a simple search, sort or filter of information.

In processing a request for a public record, a Village elected or appointed official, an employee, or designated representative shall take all steps necessary to ensure original records will not be taken, altered or otherwise destroyed.

If the Village believes a request is for records that may be exempt or prohibited from disclosure, or if the request presents a unique issue or concern, the Village will contact its legal counsel to assist in processing the request.

- **COSTS AND TRANSMITTAL:** Those seeking public records shall be charged the actual cost of making copies and any postage and mailing supplies in transmitting the records as follows:
 - The charge for paper copies (standard size, black & white, single-sided) shall be 10 cents per page. The Village shall provide all requested documents in paper copy form, unless another form is reasonably available and specifically requested.
 - The charge for downloaded computer files to a compact disc (if available) shall be \$1.00 per disc.
 - All actual charges associated with outside vendor duplication of black and white copies, color photographs, large maps and other non-standard sized documents.
 - If an email address is provided, there shall be no charge for documents that are e-mailed (if possible) to the requestor. There will be no charge for documents that are transmitted to a local telephone exchange via facsimile (if possible).
 - If the documents are to be mailed, the projected cost of the postage and mailing supplies shall be charged.

The Village may require payment of the above-noted charges prior to the release of the requested records. The Village reserves the right to waive these charges in its sole discretion.

- **DENIAL OF A REQUEST:** Any denial of public records requested shall include an explanation, including legal authority. If the initial request was made in writing or if the Village has the necessary contact information, an explanation of denial will be provided in writing.

If portions of a record are public and portions are exempt, the exempt portions are to be redacted; however, the remainder of the record will be released. All redactions shall be plainly visible and will be accompanied by a supporting explanation, including legal authority.