

**MADISON PUBLIC LIBRARY 10-12-2021  
PUBLIC RECORDS POLICY**

**SECTION 1 - PUBLIC RECORDS**

The Library, in accordance with Ohio Revised Code 149.43, defines records as any document including paper, electronic, or other format that is created, received by, or comes under the jurisdiction of the Madison Public Library that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Library.

A public record is a record that is being kept by the Library at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. A number of records maintained by Madison Public Library are exempt from disclosure pursuant to Ohio Revised Code 149.432.

It is the policy of Madison Public Library that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently in a location readily available to the public.

This policy will be distributed to the Library's record custodian and that employee must acknowledge receipt. This policy shall also be included in the Library's policies and procedures manual and posted on the Library's website.

**SECTION 2 - RECORD REQUESTS**

**SECTION 2.1**

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 Library to identify, retrieve, and review the records.

If a requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Library cannot reasonably identify what public records are being requested, the request may be denied but the Library must then 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 Library.

In processing the request, the Library does not have an obligation to create new records or perform a search or research for information in the Library's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Library's standard use of sorting, filtering, or querying features.

A Library employee may accompany a requester during inspection of public records to ensure that original records are not taken or altered.

## **SECTION 2.2**

The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record. However, the law does permit the Library 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 Library'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 that the requester may decline to reveal the requester's identity or intended use.

## **SECTION 2.3**

Public records will be made available for inspection during regular administrative business hours, with the exception of published holidays. Public records will be made available for inspection promptly. Copies of public records will 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.

## **SECTION 2.4**

All requests for public records will be satisfied as quickly as staffing and equipment allow following the Library's receipt of the request. If a request requires a voluminous number of copies or extensive research, then acknowledgement of receipt of a request will include the following: the estimated number of business days it will take to satisfy the request, the estimated cost if copies are requested, and any items within the request that may be exempt from disclosure. If the original request was made in writing, then this 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, the Library shall notify the requester of any redaction or make the redaction plainly visible.

## **SECTION 2.5**

Any denial of public records requested must include an explanation, including legal authority. If there are redactions, they must be accompanied by a supporting explanation, including legal authority.

## **SECTION 3 - COSTS FOR PUBLIC RECORDS**

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 Library determines that the record can reasonably be duplicated as an integral part of the Library's normal operations.

Those seeking public records will be charged only the actual cost of making copies. The charge for paper copies .0076 cents per page. The charge for electronic files downloaded to a flash drive is \$2.50 per drive. There is no charge for e-mailed documents. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies. Advance payment for the costs incurred is requested.

## **SECTION 4 - ELECTRONIC RECORDS**

### **SECTION 4.1**

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.

### **SECTION 4.2**

Public record content transmitted to or from private accounts or personal devices is subject to disclosure and all employees or representatives of the Library are instructed to retain their e-mail or other electronic records that relate to public business (see Section 1- Public Records) and to copy them to their business e-mail accounts and/or to the Library's records custodian in accordance with the applicable records retention schedule.

### **SECTION 4.3**

The records custodian is to treat the e-mails and other electronic records and content from private accounts as records of the Library, filing them in the appropriate way, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

## **SECTION 5 - FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST**

Madison Public Library recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, Madison Public Library's failure to comply with a request may result in a court ordering the Library to comply with the law and to pay the requester attorney's fees and damages.