

CITY OF PORT CLINTON PUBLIC RECORDS REQUEST POLICY

Updated: June 25, 2025

I. PURPOSE

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of the City of Port Clinton to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

II. HOW TO REQUEST A RECORD

Records of the CITY OF PORT CLINTON, which are not exempt from disclosure under the law are available for inspection and copying in accordance with the Ohio Public Records Act. Requests for records may be made during regular business hours to:

City of Port Clinton
1868 E Perry Street
Port Clinton, OH 43452
Phone (419) 734-5522
Fax (419) 734-1043

III. DEFINITIONS

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 jurisdiction of the CITY OF PORT CLINTON that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the CITY OF PORT CLINTON.

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. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

IV. PROVISIONS

A. Applicable Timeframes

1. Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly.
2. 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 proximity of the location where the records are stored; the necessity for any legal review and redaction; and other facts and circumstances of the records requested.

3. Generally, all requests for public records should be acknowledged in writing or, if feasible, satisfied within five business days following the office's receipt of the request.

B. Handling Requests

1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records.
2. 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.
3. 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. It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after first telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.
4. If a request is made by a member of the media, the recipient of the request must notify the Law Director. In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.

C. Electronic Records

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.
2. 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.

D. Denial and Redaction of Records

1. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the CITY OF PORT CLINTON cannot reasonably

identify what public records are being requested, the request may be denied, but the CITY OF PORT CLINTON 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 CITY OF PORT CLINTON.

2. If the CITY OF PORT CLINTON withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If some portions of a record are public and other 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 CITY OF PORT CLINTON shall notify the requestor of any redaction or make the redaction plainly visible.

E. Copying and Mailing Costs

1. Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is five (5) cents per page. The charge for electronic files downloaded to a compact disc is one dollar (\$1) per disc.

2. A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which this office determines that the record can reasonably be duplicated as an integral part of the CITY OF PORT CLINTON's normal operations.

3. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery.

4. There is no charge for e-mailed documents.

F. Port Clinton Police Department Fees for Video Record Requests (House Bill 315)

On January 2, 2025, House Bill 315 was signed into law by Ohio Governor Mike DeWine. The bill allows a state or local enforcement agency to charge for the actual cost of preparing a video for inspection or production. The preparation includes but is not limited to the retrieval, download, review, redaction, time to seek legal advice, and production of the video recorded. Port Clinton City Council, adopted the law on June 24, 2025, approving the fee of \$75.00 per hour with a maximum fee of \$750 (10 hours). This fee covers all public record requests, FOIA requests, etc. for BWC and Cruiser camera footage. A deposit of \$75 for the first hour is required, there is no prorated fee, Cash or Check made out to the City of Port Clinton. This policy applies to all public records requests involving video records (e.g., body camera, cruiser camera, or other video

footage) maintained by the Port Clinton Police Department ("the Department") pursuant to R.C. 143.43(B)(1), as amended by House Bill 315.

2. Fees for Video Records

- (a) The Department will charge all requesters the "actual cost" of preparing video records for production to offset the considerable time and expense incurred in retrieving, downloading, reviewing, redacting, uploading, and producing such video records.**
- (b) The statutory term "a video record," for purposes of this policy, means a video from one source for one start and stop recording (essential the beginning and end of a distinct incident) For example, three officers responding to an incident will each have "a video record" of that incident from each of their respective body cameras. This will result in an actual cost charge for each video record – in this example, three video records.**
- (c) The amount charged for each video record will be based on the actual cost of the hourly rate(s) of the employee(s) or contractor(s) involved in retrieving, downloading, reviewing, redacting, uploading, and producing the video record requested, but will not exceed \$75 per hour of footage from a particular video record. Further, the total amount charged for retrieving, downloading, reviewing, redacting, uploading, and producing a video record will not exceed \$75 for that particular video record.**
- (d) "Actual cost" includes all employee or contractor time and materials expended in retrieving, downloading, reviewing, redacting, uploading, and producing the video record, including staff time, storage media, and a portion of necessary overhead expenses required to comply with the request.**

3. Critical Incident Exception:

- (a) For video records or critical incidents – defined as any instance where an officer from the Department files a deadly weapon at a person – the Department will redact and produce the video at no cost to the requester within a reasonable period of time as defined in R.C. 149.43(B)(1).**
- (b) This exception is intended to ensure transparency and public accountability in such incidents.**

4. Estimate Process and Advance Payments Requirement:

- (a) Within five business days of receiving a public records request for video records, the Department will provide the requester with an estimate of the cost of fulfilling the request.**
- (b) Except as provided in Section 3 (a), the Department will not begin preparing a video record for production until the requester pays the \$75 deposit.**

5. Compliance Timeline:

- (a) Except as provided in Section 3(a), the Department's obligation to make a video record available for production begins only after the requester pays in full the estimated cost.**
- (b) The time required for retrieving, downloading reviewing, redacting, uploading, and producing (as well as seeking legal advice), will be considered in determining a "reasonable period of time" under R.C. 149.43.**

V. OHIO SUNSHINE LAWS MANUAL

A copy of the most recent edition of the Ohio Sunshine Laws manual is available at <http://www.ohioattorneygeneral.gov/YellowBook> for the purposes of keeping employees of the office, and the public, educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, Records Retention Laws, and Personal Information Systems Act.

City Of Port Clinton Public Records Request Form

This form is intended to help staff facilitate your request for public records.

Please note: The Requestor's refusal to complete this form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B) (5))

Name: _____

Address: _____

Phone: _____ Fax: _____

Date & Time of Request: _____

Information Requested: - Please be as specific as possible - Include dates, times and location.

The above referenced information will be available for review during normal business hours. Copies of public records shall be made available upon request at a cost to be determined by the current Fee Schedule.

After you have received the information you requested, please sign your name in the space provided below, indicating you have received the information you requested.

Signature of person receiving requested information Date

Signature of Staff person presenting requested information Date

City of Port Clinton	1868 East Perry St.	Port Clinton, Ohio 43452-1497
Phone: (419) 734-5522	Fax: (419) 734-1043	www.portclinton.com