BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT POLICY STATEMENT

SUBJECT: **PROCESSING REQUESTS FOR PUBLIC RECORDS**

EFFECTIVE DATE: **March 18, 2020**

I. **PURPOSE:** To provide direction to all members of the Board of Park Commissioners of The Cleveland Metropolitan Park District ("Cleveland Metroparks") staff regarding how to process requests for public records and to strictly adhere to the Ohio's Public Records Act.

II. **DEFINITIONS:**

A. "Public record" means a document kept by Cleveland Metroparks office, with certain exemptions as defined in ORC§149.43, and is one that is:
   1. Stored on a fixed medium (paper, electronic, or other format); and,
   2. Created, received by, or comes under the jurisdiction of Cleveland Metroparks office; and
   3. That documents the organization, function, policies, decisions, procedures, operations or other activities of Cleveland Metroparks.

B. "Requester" means the person or entity making the request for a public record from Cleveland Metroparks.

III. **General Rules of Law:** All public records responsive to a public records request made pursuant to ORC §149.43 shall be promptly prepared or made available for inspection to any person at all reasonable times during regular business hours, with the exception of published holidays.

A. "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.

B. Records will be organized and maintained so that they are readily available for inspection and copying.

IV. **Receiving the Public Records Request:**

A. Requests for public records may conveniently be made in the following methods:
   1. On Cleveland Metroparks' website at https://www.clevelandmetroparks.com/about/cleveland-metroparks-organization/policies-procedures/public-records-requests;
   2. In person at 4101 Fulton Parkway, Cleveland, OH 44144;
   3. By phone by calling 216.635.3200; or,
   4. By mail to 4101 Fulton Parkway, Cleveland, OH 44144

B. The requests are automatically routed to the designated Records Custodian in the Marketing, Police or Legal Departments depending upon the type of request.
   1. **Records Custodian**
      a. General Requests: Legal Department, Assistant Legal Counsel, par1@clevelandmetroparks.com, (216) 635-3200, 4101 Fulton Parkway, Cleveland, Ohio 44144

---

b. Media Requests: Marketing Department, Communications & Outreach Manager, jst@clevelandmetroparks.com, (216) 635-3200, 4101 Fulton Parkway, Cleveland, Ohio 44144

c. Police Requests: Police Department, Records Administrator, met1@clevelandmetroparks.com, (440) 331-5530, 4600 Valley Pkwy, Fairview Park, OH 44126

2. Each department will strive to acknowledge receipt of the request within two (2) business days.

C. The Police Department and Marketing Department shall report the following to the Legal Department by January 15th of each year for each public record request received: (1) date of request (2) name of record requested (3) date records delivered to Requester.

V. **Information from the Requester:** The Requester must identify the records requested with sufficient clarity to allow Cleveland Metroparks to identify, retrieve and review the records. If it would benefit the Requester by enhancing Cleveland Metroparks' ability to identify, locate, or deliver the public records sought by the Requester and after informing the Requester that a written request is NOT mandatory and that the Requester may DECLINE to reveal the Requester's identity or the intended use, the Chief Legal & Ethics Officer, or designee, may ask the Requester:

A. To make the request in writing;
B. For the Requester's identity; and
C. To state the intended use of the information requested.

VI. **Reviewing the Public Records Request:** Upon receipt of the request for public records, the Chief Legal & Ethics Officer and any other relevant personnel shall evaluate the request to determine:

A. Whether the request is for a "public record" which is kept by Cleveland Metroparks. Cleveland Metroparks does not have an obligation to create new records or perform new analysis of existing information.
B. Whether the request is for a "public record" which is exempted from disclosure as enumerated in the federal or state law.
C. Whether any redactions are necessary to the public records.
   1. If redactions are required and are not plainly visible, notice must be given to the Requester about the redactions and the respective legal authority permitting the redaction.
D. Whether the request is ambiguous or overly broad.
   1. If a Requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that Cleveland Metroparks cannot reasonably identify what public records are being requested, the Chief Legal & Ethics Officer, or designee, may deny the request but shall provide the Requester with an opportunity to revise the request by informing the

Requester of the manner in which records are maintained by Cleveland Metroparks and accessed in the ordinary course of the public office's or person's duties.

E. Whether the request should be denied.
   1 If the request is denied, the Chief Legal & Ethics Officer, or designee, shall provide the Requester with an explanation, including legal authority explaining why the request was denied.
   2. If the initial request was in writing, the explanation also shall be provided to the requester in writing.
      a. The reasonable amount of time it will take to promptly prepare and make available the record of inspection during regular business hours;
      b. If copies are requested, the reasonable amount of time it will take to make copies available and the choices of medium (for example: paper copy, fax, compact disc, etc.) upon which the record can be duplicated as an integral part of the normal operations of Cleveland Metroparks' office.

VII. **Responding to Requester Regarding Inspection:** The Legal Department shall inform the Requester of the most reasonably prompt manner of providing access to inspect the public records and shall make provisions within Cleveland Metroparks' office for the logistics. If this notification is oral, the Legal Department shall document that said information was provided. A Cleveland Metroparks' employee must accompany the Requestor during inspection to make certain original records are not taken or altered.

VIII. **Process for Providing Copies:**

A. **Payment process:** If copies of the public records are requested, the Requester shall provide, in advance, the cost of duplicating the public record. If the Requester has requested the public record to be mailed, the cost of United States postage and other mailing supplies beyond a standard envelope will be charged to the Requester.

B. **Cost:**
   1. The charge for paper copies is 4 cents per page.
   2. The charge for color paper copies is 15 cents per page.
   3. The charge for downloaded computer files to a compact disc is $1.00 per disc.
   4. Duplication costs for other media will be determined at the time of the request.
   5. There is no charge if copy costs total less than $1.00.
   6. There is no charge for documents that are e-mailed.

C. **Acknowledgment of payment:** Payments received shall immediately be forwarded to Cleveland Metroparks Finance Department with a copy of the invoice indicating the nature and amount of funds received. If the Requester tenders cash, a receipt shall be immediately issued by Cleveland Metroparks to the Requester at the time the cash is tendered and prior to the tendering of the record.

BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT POLICY STATEMENT

SUBJECT: **PROCESSING REQUESTS FOR PUBLIC RECORDS**

EFFECTIVE DATE: **March 18, 2020**

IX. **Request to Review Cleveland Metroparks Personnel File:** Any request made to review a current Cleveland Metroparks' personnel file, or to obtain copies of records contained in a Cleveland Metroparks' personnel file, shall be processed according to this Policy. The Legal Department will notify Cleveland Metroparks staff person whose file has been the subject of a public record request.

X. **Policy Not to Interfere with Regular Business Operations:** For the purposes of this Policy, documents and records which are normally exchanged on a regular basis in a normal course of business with Cleveland Metroparks contractors, constituents and those engaged in a business relationship with Cleveland Metroparks are NOT required to be exchanged pursuant to the processes of this Policy. However, duplication costs may be applicable as determined by Cleveland Metroparks Chief Financial Officer.

XI. **Inclusion and Display of Policy:** This Policy must be included in Cleveland Metroparks Employee Handbook and must be displayed in a poster format in Cleveland Metroparks Administrative office.

XII. **Failure to Respond to a Public Records Request:** Cleveland Metroparks 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, Cleveland Metroparks' failure to comply with a request may result in a court ordering Cleveland Metroparks to comply with the law and to pay the Requester's attorney's fees and damages.

REFERENCE: Ohio Revised Code § 149.43, Ohio Attorney General's Office Sunshine Law Manual

Replaces and supercedes:
Processing Requests for Public Records, March 26, 2015.

Approved:

Chief Executive Officer -Secretary

Board President

3-18-2020
Approval Date

3/18/20
Review Date