

Instructions for City Employees

Completing the Public Records Request Form

All public records maintained by the City must be made available for prompt inspection and/or copying within a reasonable period of time upon the request of any member of the public.

1. This form should only be used when a request for public records is not immediately fulfilled in the normal course of business.
2. The City employee should ask the Requestor if they are willing to complete the form. The Requestor must be told that completing the form is voluntary.
3. If willing, the Requestor completes items 1 through 5 on the form. If the Requestor is not willing, the City employee asks for the information for items 1 through 5 and writes the answers on the form and read it back to the Requestor to insure accuracy.
4. The City employee completing the form should fill in the information in the shaded block on the lower portion of the form. The employee should also fill in the information on the line marked "Employee Receiving Request" and indicate a department/division on the next line "Department/Division."
5. If the requested record is maintained by the public office and the City employee is certain that:
 - a. It is a public record; and
 - b. It is not exempt from inspection and/or copying; and
 - c. It does not contain any exempt information; and
 - d. Allowing immediate inspection or making a requested copy can be immediately accommodated,the Requestor should immediately be permitted to inspect the record and/or receive a copy of the record. Inspections are to occur in the public office in the presence of a City employee, but the inability of an employee to be present cannot in and of itself be the reason to deny a request to inspect records.
6. The charges for copies of public records vary due to the size, type and format of the public record being copied. The charges for copies of public records are outlined in the Public Records Fee Schedule. There is no charge for public records provided to a Requestor in electronic format. Payment must be made before releasing a record.
7. The City employee should provide a copy of the form along with the public record copies to the Requestor. The City employee must also maintain a copy of the public record copies along with the original form.
8. If the City employee is not sure whether the record is one that can be released (if the answer to any of the questions in #5 above was no), the employee should advise the Requestor of this fact and that the City will allow inspection or provide copies to the extent permissible as soon as the Public Records Administrator or City Manager (or designee) has had an opportunity to review the request
9. If a Requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the City employee cannot understand the request or reasonably identify what public records are being requested, the employee may deny the request. However, the employee must provide the Requestor with an opportunity to revise the request by informing the Requestor of the manner in which records are maintained by the public office and accessed in the ordinary course of the office's business.
10. If the Requestor asks that the records requested be copied and mailed, the City employee should obtain the Requestor's mailing address, determine the cost of the records and the cost of mailing, and inform the Requestor the total cost must be paid in advance before the records will be mailed.
11. Additional Information:
 - a. Employees are not to make records requests while on duty.
 - b. Redactions made in the ordinary course of business (e.g., redacting a Social Security number from a record) require a Denial of Public Records Request Form only if the request was made in writing.



City of Huber Heights
Denial/Redaction of Public Records Request Form



Requestor Name: (If known) _____

Date of Request: _____

Employee Receiving Request: _____

Department/Division: _____

Reason for Denial/Redaction: (Check all that apply.)

- ☐ Medical Records
- ☐ Trial Preparation Records
- ☐ Confidential Law Enforcement Investigatory Records
- ☐ Security And Infrastructure Records
- ☐ Records Concerning Recreation Activities Of People Under Age 18
- ☐ Attorney-Client Privileged Information
- ☐ Taxpayer Records
- ☐ Personal Information Including Social Security Numbers And Driver's License Numbers
- ☐ Restricted Portions Of A Body-Worn Camera Or Dashboard Camera Recordings
- ☐ Personally Identifiable Information Of A Crime Victim Or Parties To A Motor Vehicle Accident
- ☐ Family Information Of Peace Officers, Firefighters, And EMTs
- ☐ Trade Secrets
- ☐ Utility Customer Usage Information
- ☐ Record Not Kept By The City (*Check all that apply*):
 - ☐ is a record no longer maintained or has been disposed of or transferred pursuant to an applicable City Records Retention Schedule (RC-2).
 - ☐ is a record that has been disposed of pursuant to a One-Time Disposal of Obsolete Records (RC-1).
 - ☐ is a record not used or maintained by the City.
- ☐ Other: _____

Public Records Administrator

Date

***Also complete and attach a Written Explanation for
Denial/Redaction of Public Records Request Form.***



City of Huber Heights

Written Explanation for Denial of Public Records Request Form

The City of Huber Heights has received a recent public records request. However, pursuant to Ohio law the City is not able to fulfill the request or the City has redacted certain exempt information from the records requested for one or more of the reasons set forth below. (There may be more reasons for the City not fulfilling your request that are not set forth in this document).

- _____ **Medical Records** pertinent to a patient's medical history, diagnosis, prognosis or medical condition and that were generated and maintained in the process of medical treatment are exempt. *R.C. §149.43(A)(1)(a) and (A)(3)*;
- _____ **Trial Preparation Records** that were specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding are exempt. *R.C. §149.43(A)(1)(g) and (A)(4)*;
- _____ **Confidential Law Enforcement Investigatory Records** which pertain to a law enforcement matter of a criminal, quasi-criminal, civil or administrative nature, and create a high probability of disclosing the identity of an uncharged suspect, confidential source, specific confidential investigatory technique and/or procedure, investigatory work product, or would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness or confidential information source are exempt. *R.C. §149.43(A)(1)(h) and (A)(2) and (A)(2)(a)-(d)*;
- _____ **Security And Infrastructure Records** which contain information directly used for protecting or maintain the security of a public office are exempt. *R.C. §149.43*.
- _____ **Records Concerning Recreation Activities Of People Under Age 18** are exempt. *R.C. §149.43(A)(1)(r), §149.43(A)(8)*,
- _____ **Attorney-Client Privileged Information** is exempt. *State ex rel. Nix v. Cleveland* (1998), 83 Ohio St.3d 379, 1998 Ohio 290, 700 N.E.2d 1; *Allright Parking of Cleveland, Inc. v. Cleveland* (1992), 3 Ohio St.3d 772, 591 N.E.2d 708; *Woodman v. Lakewood* (1988), 44 Ohio App.3d 118, Cuyahoga App. No. 53647, 541 N.E.2d 1084.
- _____ **Taxpayer Records** are exempt. *R.C. §718.13*.
- _____ **Personal Information**, including an individual's Social Security Number; state or federal tax identification number; driver's license number or state identification number; banking account numbers; credit card numbers; or any other financial or medical account numbers; are exempt. *R.C. 149.43(A)(1)(dd) (referencing R.C. 149.45); Gannett GP Media, Inc. v. Chillicothe, Ohio Police Dept., Ct. of Cl. No. 2017-00886PQ, 2018- Ohio-1552, ¶ 12, (Social Security Numbers are protected pursuant to R.C. 149.43(A)(1)(dd))*
- _____ **Restricted Portions Of A Body-Worn Camera Or Dashboard Camera Recordings** are exempt. *R.C. §149.43(A)(17)(a)-(q)*
- _____ **Personally Identifiable Information Of A Crime Victim Or Parties To A Motor Vehicle Accident** which contain information directly used for telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report and the name, address, or other identifying information of a crime victim or victim's representative are exempt. *R.C. §149.43(A)(1)(mm)*. Telephone numbers of parties to a motor vehicle accident listed on a law enforcement record or report within thirty days of the accident are exempt. *R.C. 149.43(A)(1)(oo)*
- _____ **Family Information Of Peace Officers, Firefighters, And EMTs** is exempt. *R.C. §149.43(A)(7)(a)*.
- _____ **Trade Secrets** deriving independent value from the fact that it is not generally known and has been the subject of reasonable efforts to maintain its confidentiality are exempt. *R.C. §1333.61(D)*.
- _____ **Utility Customer Usage Information** including the names and addresses of specific residential and commercial customers of City-operated public utilities is exempt. *R.C. §149.43 (A)(1)(aa)*.
- _____ **Record Not Kept By The City**. Record requested is a record that is not kept by the City or is not kept in a manner requested and the requestor has been advised of the manner in which records are maintained and accessed in the ordinary course of business. *Zauderer v. Joseph* (1989) 62 Ohio App 3d 752. *State ex rel; Capers v. White* (Apr. 17, 2002), Cuyahoga App. No. 80713, 2002 Ohio App. LEXIS 1962.
- _____ **Other:** _____

Instructions for City Employees

Completing the Denial/Redaction of Public Records Request Form

Redacted information is considered a denial in part of a public record request and the Requestor must be provided with an explanation for the redaction.

1. If a public record contains information that is exempt from public inspection and/or copying, the City employee must still make available all of the information within the public record that is not exempt. Excluding exempt information from an otherwise non-exempt public record is called "redacting."
2. **General Rule - Redacting:** When making a public record available for public inspection or copying that has had information redacted; the City employee must notify the Requestor of the redaction or make the redaction plainly visible.
Exception - Redacting: Please remember that redactions made in the ordinary course of business require a Denial/Redaction of Public Records Request Form only if the request was made in writing. If the request was oral, the Requester may be told orally why the request was denied or that a redaction was made. A "redaction in the ordinary course" is a redaction that is always done on a particular class of record such as eliminating Social Security numbers from a police report.
3. If it is not clear whether the requested public record is one that can be released, the City employee should tell the Requestor this and that the City will allow inspection or provide copies to the extent permissible as soon as the Public Records Administrator or the City Manager (in consultation with the City Attorney as needed) has had an opportunity to review the request. The City employee must then indicate on the request form the nature of the concern. (Do not use the Denial/Redaction of Public Records Request Form under this circumstance). A copy of the request form shall then be immediately sent to the Public Records Administrator for handling and review.
4. If a request is ultimately denied, in whole or in part (which includes any redactions), the Public Records Administrator will complete the Denial/Redaction of Public Records Request Form and attach thereto a Written Explanation for Denial/Redaction of Records Request Form (which is an explanation, including legal authority, why the request was denied or information was redacted). The City employee should provide the original Denial/Redaction of Public Records Request Form and the Written Explanation for Denial of Public Records Request Form along with the copies of the public records. The City will maintain a copy of the Denial/Redaction of Public Records Request Form and the Written Explanation for Denial of Public Records Request Form along with the original request form and copies of the public records according to the City's records retention schedules.
5. If a Requestor requests records that the City does not maintain (e.g., requesting copies of all traffic accident reports filed on one particular date, but the public office files them alphabetically by driver name), the request may be denied but only after providing the Requestor with an opportunity to revise the request by informing the Requestor of the manner in which records are maintained and accessed in the ordinary course of the public office's business.
6. If a Requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the City employee cannot understand the request or reasonably identify what public records are being requested, the employee may deny the request. However, the employee must provide the Requestor with an opportunity to revise the request by informing the Requestor of the manner in which records are maintained by the public office and accessed in the ordinary course of the office's business.