



BARBERTON PUBLIC LIBRARY Public Record Policy

INTRODUCTION TO PUBLIC RECORDS

It is the policy of the Barberton Public Library to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request for public records is in writing, the explanation of denial must also be in writing.

PUBLIC RECORDS

Section 1. Definition

This library, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this library are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1 Organization and Maintenance

It is the policy of this library that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

PUBLIC RECORDS REQUESTS & RESPONSES

Section 2. Evaluation of a Public Records Request

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 Identification of Public Records Requested

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 public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2 Method of Public Records Request and Identity of Requestor

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 library's general policy that this information is not to be requested.

Section 2.3 Availability of Public Records for Inspection and Production of Copies

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. 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, and the necessity for any legal review of the records requested.

Section 2.4 Time Constraints for Satisfying Public Records Requests

Each request should be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied or be acknowledged in writing by a public office within three business days following the office's receipt of the request. If a request will not be satisfied within three business days, the acknowledgement must include at least the following:

- A request for clarification (if necessary)
- An estimated cost if copies are requested.

Section 2.5 Denial of Public Records Requests

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS

Section 3. Charges for Copies and Postage

Those seeking public records will be charged only the actual cost of making copies, as follows:

Section 3.1 The charge for paper copies is 5 cents per page.

Section 3.2 The charge for downloaded computer files to a compact disc is \$1 per disc.

Section 3.3 There is no charge for documents e-mailed.

Section 3.4 Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

E-MAIL AS PUBLIC RECORDS

Section 4. Definition of E-mail as Public Records

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 Private E-mail Accounts Holding Public Records

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this Office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the Office's records custodian.

Section 4.2 Duties of the Records Custodian in Managing Private Account E-mails

The records custodian is to treat the e-mails from private accounts as records of the public office, 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.

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

Section 5. Legal and Non-Legal Consequences

A public office 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, failure to comply may also result in a court ordering the public office to comply with the law and to pay the requester's attorney's fees and damages.

All Library Policies have been designed to maximize available resources and ensure accessibility. They are always subject to review and revision by the Board of Trustees as necessary.

Adopted by the Board of Trustees, October 25, 2007, Resolution #47-2007

Revised: July 23, 2009, Resolution #26-2009

Appendix A: RETENTION AND DISCARD OF RECORDS

The Barberton Public Library shall comply with Ohio Revised Code Section 149.411 entitled "Library Records Commission" as that statute is amended from time to time. A records commission shall be established comprised of the Board members, the Director and the Clerk of the Board of Library Trustees. The commission shall meet at least once every twelve months.

The commission shall review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by any employee of the library. The commission may dispose of records pursuant to the procedure outlined in this policy. The commission at any time may review any schedule it has previously approved and for good cause shown may revise that schedule.

A complete records inventory shall be maintained and shall include; office of origin, location, name, information content, inclusive dates, quantity, frequency of use and purpose. Public records not specifically excluded from disclosure are available for inspection according to Board Policy.

Records shall fall into two categories: Permanent and Non-Permanent. The following list shows the retention period of specific records.

Permanent

- Annual Financial Report to the Auditor of State
- Annual Report to the State Library
- Audit Reports from Auditor of State
- Building Specifications (blueprints)
- Board of Trustees Minutes
- Deeds
- Formal Legal Opinions
- PERS records
- Records Commission File
- Trust Agreements

Non-Permanent-Record Series Title

Retention Period

Accident/Illness Reports - Non Employee	6 years provided no action pending
Accounting Records not specified	5 years provided audited
Accounts payable ledger	5 years provided audited
Amended Official Certificates	5 years provided audited
Annual Budget Resolutions	Incorporated into Minutes; Retain copies 5 years
Annual Certificate of Estimated Resources	5 years, provided audited
Applications for Employment	Retain with Personnel Record if applicant employed, others 6 months
Appropriation Ledgers	5 years provided audited
Back-up or Archived Data Tapes	Until superseded
Bank Deposit Receipts	4 years provided audited
Bank Statements/Canceled Checks	4 years provided audited
Bids – Successful	15 years after completion of project
Bids – Unsuccessful	4 years After Letting of Contract, provided audited
Board adopted policies	Until superseded, retain one copy until audited
Board Committee Papers	6 years provided audited and no historical value
Board Packages including monthly financial reports	6 years provided no historical value
Book Inventories	Maintained online until superseded
Budgets – Annual	25 years
Cash Journals	4 years provided audited
Certificates of Total Amount From Sources Available for Expenditures	4 years provided audited
Check Registers	4 years provided audited

Circulation Records	Maintained online until material returned
Contracts and Agreements	15 years after expiration or termination
Correspondence	Until no longer of administrative value
Court Orders for Payroll Deduction	2 years after termination of employment or order rescinded
Depository Agreements	7 years provided audited
Digital Video Surveillance	10 days or until superseded
Encumbrance and Expenditure Journal	5 years, provided audited
Fixed Asset Inventories	4 years, provided superseded and audited
Former Trustees appointment, resignations	60 years
Garnishment Orders	5 years after termination of employment or order rescinded
Gift Donor Forms	3 years provided audited
Grant Files/Records	10 years provided audited and disputes resolved
ILL Records	7 days after material is returned unless there are financial obligations
Insurance Policies	4 years after expiration, provided all claims settled
Law Suits	5 years after decision
Leases - Equipment	2 years after expiration
Lease - Real Estate	5 years after expiration
Levy Official Files	Life of Levy plus 5 years
Levy Campaigns & Work papers	5 years provided audited
Library Statistics - Monthly Reports	10 years
Lost Book/Fine Records	Once paid for removed from patron history
Mail - Electronic	Retain according to content. See correspondence.
Organizational Charts	Until Superseded
Patron Information	Permanent or three years after inactive
Payroll Records	75 years
Payroll Tax Records	75 years
Personnel Records	75 years
Petty Cash Receipts	4 years provided audited
Position Descriptions	Until superseded or position abolished
Prevailing Wages Records	4 years provided audited
Purchase Orders	4 years provided audited
Quotations (for goods/services)	4 years provided audited
Receipt Books	4 years provided audited
Record Requests	2 years
Requisitions	4 years provided audited
Software	Destroy when obsolete
Time Sheets	60 years
Unemployment Compensation Claims	4 years provided audited
Voice Mail Messages	Until no longer of administrative value
Voucher with Invoices	4 years provided audited
W-2 Forms	75 years
W-4 Forms	4 years until superseded or employee terminates
Workers' Compensation Claims	10 years after date of final payment

Computer back-up tapes of any of the records listed above until superseded or no longer of administrative value. Back-up tapes and archived data is not reasonably accessible and is expensive and unduly burdensome to recover.

Litigation Holds

When litigation may possibly be brought by the Library as plaintiff, or may be brought against the Library or its employees or in fact has been filed or threatened, the law imposes a duty upon the Library to preserve all documents and records that pertain to the issue. As soon as the Library becomes aware of possible, pending or threatened litigation, a litigation hold directive will be issued to the custodians of records. The litigation hold directive overrides the records retention schedule that may otherwise call for the disposal or destruction of the relevant documents, until the hold has been lifted by the Library. E-mail and computer accounts of separated employees that have been placed on a litigation hold by the Library will be maintained by the Library's Information Technology department until the hold is released.

No employee who has been notified by the Library of a litigation hold may alter or delete an electronic record that falls within the scope of the hold. Violation of the hold may subject the individual to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

Adopted by the Board of Trustees, October 25, 2007, Resolution #47-2007