

## TOWN OF CLEAR LAKE PUBLIC RECORDS POLICY

### **Purpose**

The purpose of this Policy is to provide rules by which the Town of Clear Lake, Indiana and its departments implement and ensure compliance with the provisions of Indiana Code 5-14-3 (Access to Public Records) for the Town's public records.

### **Interpretation and Construction**

The provisions of this Policy shall be liberally interpreted and construed to promote full access to the Town's public records in order to assure continuing public confidence in government: provided, that when making public records available the Town shall prevent unreasonable invasions of privacy, shall protect public records from damage or disorganization, and shall prevent excessive interference with essential government functions.

### **Public Records Available**

Public records shall be made available for public inspection and copying pursuant to IC 5-14-3.

### **Public Information Officer**

- A. The Public Information Officer will be appointed by the Town Council.
- B. The Public Information Officer shall serve as the point of contact for members of the public who request disclosure of public records. The Public Information Officer shall be responsible for implementation of and compliance with IC 5-14-3.

### **Public Records Requests – How Made**

- A. Public records may be inspected and/or copies may be obtained under the following procedures:
  - 1. A request for public records shall be directed to the Public Information Officer.
  - 2. A request for public records shall be made in writing and include the following information:
    - a) The requester's name, mailing address, phone number and email address (if one is available);
    - b) The date of the request;
    - c) A clear indication that the document is a "Public Records Request";
    - d) A clear description of the public records requested for inspection and/or copying;
    - e) If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
    - f) Whether the request is for printed or digital copies of the public record.
  - 3. If a department maintains indexed records specifically for public inspection and copying, inspection and copying in response to an oral request is permitted. However, the Public Information Officer shall require a written request if the request is for or the response may include any of the following:
    - a) A list of individuals;
    - b) Categorical requests not identifying a specific public record;
    - c) Subjects of current, threatened or potential litigation;
    - d) Reproduction of oversized documents such as maps, surveys, large format photographs or color reproduction; or
    - e) Public records or information exempt from disclosure.
- B. The Town shall develop and maintain a form to facilitate public record requests.

### **Inspection of Public Records - Where and When**

Public records shall be inspected at the offices of the department having custody or control of the records during regular business hours, excluding legal holidays: provided that there is no obligation to allow inspection immediately upon a demand. The Public Information Officer may request that the person seeking to inspect public records schedule an appointment for inspection.

## Response to Public Records Requests

- A. There is no obligation to allow inspection or provide a copy of a public record on demand.
- B. The Public Information Officer shall respond in writing to a request for public information made in person within 24 business hours or to a request for public information received by mail, or email within seven calendar days. The Public Information Officer shall make one or more of the following responses:
  - a. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;
  - b. The request has been received by the Public Information Officer, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;
  - c. The request has been received by the Public Information Officer and the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying; or
  - d. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record.
- C. The Public Information Officer shall immediately notify the requester if, after responding to a request for public records and approving the request, the Public Information Officer identifies requested public records or information that are exempt from disclosure.
- D. Additional time to respond to a request may be based upon the Town's need to:
  - a. Clarify the intent of the request;
  - b. Identify, locate, assemble and/or make the records ready for inspection or disclosure;
  - c. Notify third persons or agencies affected by the request; or
  - d. Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.
- E. If a requester fails to clarify the request after receiving a response from the Public Information Officers seeking clarification, the Public Information Officer need not respond further to the request.
- F. When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the Public Information Officer shall promptly notify the Town Attorney of the request. Each page of the records provided to the requester shall be sequentially numbered or otherwise uniquely identified. Copies of the request, all correspondence between the Public Information Officer and the requester, and copies of the public records provided to the requester shall be delivered promptly to the Town Attorney. The requester shall not be charged for copies delivered to the Town Attorney.

## Copying Fees

- A. No fee will be charged for the inspection of a public record; for locating public records in response to a request and making the records available for inspection or copying; or for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.
- B. Clear Lake Code 34.04 sets the fee for copying of documents at \$.10 per page. This Ordinance does not supersede any other fee set by State Statute or is ordered by a court of competent jurisdiction for services rendered by the Town.
- C. The copying fee for any request for which the response will be oversized documents, color photographs or reproductions, tape recordings and computer disks shall be the actual expense for copying, including the cost of materials.

## Copies of Policy Available to Public

Copies of this Policy and public records request forms shall be available to and provided to the public, without cost, at the Town Hall. Electronic copies shall be made available to the public on the Town's website.