



Records Manual

Approved by the Records Commission: June 10, 2020

“A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives.”

--James Madison

“The rule in Ohio is that public records are the people’s records, and that the officials in whose custody they happen to be are merely trustees for the people; therefore, anyone may inspect such records at any time, subject only to the limitation that such inspection does not endanger the safety of the record, or unreasonably interfere with the discharge of the duties of the officer having custody of the same.”

**--The Ohio Supreme Court
Patterson v. Ayers (1960)**

“Records includes any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the office.”

--Ohio Revised Code Section 149.011

“All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Upon request, a person responsible for public records shall make copies available, at cost within a reasonable period of time.”

--Ohio Revised Code Section 149.43[B]

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Introduction

Record keeping is integral to our positions as civil servants and should be a priority for all departments and divisions.

Effective records management, however, is not just something we are legally required to do; it increases the overall efficiency within our organization. There are several elements to an effective records management system:

- 1) All offices have current RC2s;
- 2) All offices have a records inventory;
- 3) All public records are accessible to the public and to government entities;
- 4) Active records are stored onsite and inactive records are stored offsite (if possible);
- 5) Permanent and historical records are properly preserved;
- 6) Policies and procedures are in place for how to respond to a public records request; and,
- 7) All local, state and federal laws are followed.

Time spent looking through disorganized records is wasted time. When records are properly maintained, retrieval should be more efficient and take no longer than the time it takes to walk to the storage location.

The first step toward an effective records management practice is to designate a records officer within each department/division. The records officer is responsible for all aspects of records management within their department/division—including developing and maintaining all necessary forms. They must clearly understand the responsibilities of the department/division and have a good understanding of the types and uses of records created and maintained by the department/division. The department/division records officer, will work closely with the Clerk of Council for the administration of all aspects of the City's records management program. They will also be responsible for communicating pertinent records management information to their department/division heads.

The records officer will complete a records inventory as a first step, which will be reviewed by the Clerk of Council. Once completed, the Clerk of Council will review the records inventory and OHS LGR forms for compliance before submitting the forms to the Records Commission. The records officer will also be responsible for the release of public records to the Clerk of Council (or other official as established by City ordinance).

Effective records management protects the City. Finding needed information will be noticeably easier and overall research time and duplication of work will be significantly reduced, if not eliminated altogether. In addition, the office will experience significantly less down time due to staff changes and absences.

Definition of a Record

Ohio Revised Code (ORC) Section 149.011

“Records include any document, device or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the office.”

In short, if you created it, sent it or received it by virtue of the public office you hold, it is a public record. The Ohio Revised Code mentions records more than 200 times, and annual court decisions impact the interpretation of those statutes.

Three-Prong Test

The ORC definition of a record can be broken down into a simple, three-prong test:

- Is the item stored on a fixed medium? (i.e. Paper, digital image, audio/video, microfiche, etc.)
- Is the item created, sent or received under the jurisdiction of a public office?

The item may be created or sent from a private entity and later received by a public office (or vice versa). If at least one of these actions were completed by a public office, this prong of the test is met.

- Does the item serve to document the City’s functions, policies, procedures, decisions, the operations or activities of a public office?

Again, a “yes” answer to any of these categories meets this prong of the test.

Records that do not meet all three criteria are considered a non-record and are not subject to the Ohio Public Records Law. This definition significantly reduces the number of “public records” held by any public office. For example, the majority of junk mail and spam can be excluded. In addition, quick emails and voice mails used to set up lunch dates unrelated to the public office also do not meet the definition of a “public record.” However, these laws are meant to be liberally construed in favor of the public’s right to know. If there is any confusion as to whether an item meets the definition, err on the side of caution and treat the item as a public record.

Record Series

A record series is a compilation of similar “public records” within a department/division. Record series may be general, but typically, the more specific a records series is, the easier it is to manage from a public records perspective. For example, a record series may be “Legislation”, but a more effective record series would be “Resolutions” and “Ordinances.” Similarly, “Council Minutes,” “Board of Zoning Appeals Minutes,” “Planning Commission Minutes” and “Finance Committee Minutes” are preferable to “Minutes.” Departments/divisions should consider filing by record series, while a comprehensive system may be better suited for smaller departments and divisions.

Upon request, the Clerk of Council can assist any department/division in the development or reorganization of their records system.

Council, Board or Commission Member/Volunteer Records

Generally, the information Council, Board or Commissions members receive from staff members are copies—meaning that the staff member maintains the original, and no special care is needed. However, if the copy is changed at all, it becomes an original. For example, if a member takes notes on the copy provided, the member may have created an “original” record, which is subject to the open records law--if it meets the three-prong test described earlier. Similarly, the handwritten notes of board and commission members in reference to board and commission matters may also be public records. Recent court decisions, however, have held that “personal” notes may not always be a public record—if the notes are for the sole personal use by the member. Further complicating the issue is that the content of “personal” notes may affect whether the notes are considered public record. Even though these records are created by the members and may even be stored in their home, the records actually belong to the City. Therefore, any person may request to view the records. Upon such a request, the member must provide the records to the Clerk of Council.

The Clerk of Council is responsible for the retention schedules for Council and all boards and commissions of the City. At a minimum, records held by Council, Board or Commission members should be returned to the City at the end of each term at which time the records will then be appraised for historical value and may eventually be destroyed in accordance with established retention schedules. Members, however, should never destroy an original record without first consulting the Clerk of Council. Disposing of a record improperly could result in a fine per record. Therefore, members should err on the side of caution and allow the Clerk of Council to make the final decision regarding records.

Records Inventory

To manage records effectively, staff must first know what records they have and where the records are located. A records inventory is the best available tool to accomplish those goals. Records inventories should include all the records within a department or division, regardless of whether the record meets the definition of a “public record” or whether the department or division is the office of record. The Ohio Historical Society recommends two different versions of records inventories: Full Inventory and Quick Inventory.

For the City’s Records Management Program, the “quick inventory” will be used. As the second step to a records inventory, each department or division will need to explain clearly the rotation of annual files. (Rotation of files refers to records maintained by year. For example, in the Clerk of Council office, current year correspondence is stored in the office. Previous years rotate to the file room.) Depending on usage, records may be filed by series number, then by year or vice versa. Departments and divisions with fewer records may find one comprehensive filing system easier to maintain. However, the greater the number of records, the more detailed the filing system and annual rotation needs to be. Regardless of the type of filing system chosen, the records inventories of all departments and divisions must enable a person from outside the department or division to locate a record within a reasonable period of time.

Quick Inventory

The quick inventory is a comprehensive listing of the location and content of all files. These inventories enable a person outside the department or division to locate a record if needed. Remember, records must be produced within a reasonable period of time upon request. To protect the City’s interest as well as that of the specific office and the public, records must be accessible. That means the City must produce these records if the record is in the possession of the City, regardless of the availability of a specific member of staff to locate it.

For the quick inventory to be useful, the minimum information needed is the location and record series. To save additional time, the record series number and destruction date may be included on each file. Large record series that contain sequenced files, such as income tax records, investigative files, or lot maps, may use the numerical or alphabetical indicator of the first and last file of each drawer. See the first example below. Record series that encompass a variety of records should be listed by file name at a minimum. A third level, file contents, may also be added, but is not required.

See the sample inventory below:

Quick Inventory Example #1

Municipal Building (commonly known name of building or its address)

Finance Department File Room (commonly known name of room)

- Cabinet tax-01(cabinet number or name)
TX-001: 2005 RECORDS, TO BE DESTROYED IN 2009

Drawer One

Aaron – Doe

Drawer Two

Dunn – Fitzgerald

Quick Inventory Example #2

Municipal Building (commonly known name of building or its address)

Clerk of Council File Room (commonly known name of room)

Cabinet 01(cabinet number or name)

Drawer One

AAA Discount Contract (file or record name)

CLK-001 Destroy 2025 (record series number and anticipated destruction date) Original Contract; Resolution approving contract (documents contained)

Apple Plat Noise Wall

CNL-042 *Permanent*

Petition For; Attendance at Ward meeting; Correspondence from residents;

Drawer Two

Bug A Boo

CLK – 001 Destroy 2025

Original Contract; Receipt

The initial process of creating a records inventory is time-consuming. However, like all other aspects of records management, an accurate records inventory improves the efficiency of the department or division as well as protects the legal interests of the residents, the City, the department or division and yourself. It prevents duplicate work.

Annual Due Date

Annual updates to the quick records inventories are due in the Clerk of Council’s office by **5:00 pm on the first Friday in August.**

Records Control and Retention Schedules

There are three forms provided by the Ohio Historical Society:

Form RC-1: Application for One-Time Disposal of Obsolete Records

This form is for the disposition of obsolete records. Obsolete records are records that were never properly scheduled on an RC-2 and are no longer created or were only created once. If obsolete records are found and no longer have any administrative, fiscal, legal or historical value, they should be scheduled for destruction on an RC-1. The RC-1 form is also used to document any early destruction of records due to disaster as well as document records transfers. This form is the most difficult to understand and should be used the least.

Annual Due Date

RC-1s are due annually in the Clerk of Council's office by **5 p.m. the first Friday in May.**

Form RC-2: Schedule of Records Retention and Disposition

This form establishes retention periods for all records created, received or maintained by a public office. Records series number are assigned to categorize similar records and to identify the office of record. That number should be carried through all aspects of records management—on files and inventories in addition to the Ohio Historical Society Forms. Ideally, this form should reflect the manner the records are maintained. To complete the form, record series numbers and a retention period must be assigned to records maintained by your department or division. (See Attached RC2s)

Record Series Numbers

For more efficient records management, the Record Series Number should clearly identify your department. There is no need to place the year in your series numbers—otherwise, you will need to update your permanent records every time a change is made to your RC-2—if the information is placed in the description of the record series. To prevent duplicating record series numbers, the numbers should be assigned using a four (4) letter or fewer identifying code.

Please keep in mind that, as changes are made to your RC-2, you should not renumber the remaining record series. Record series numbers may be deleted, creating gaps in the consecutive numbering system. Any new record series created should be added as a new, previously unused number. Again, this method prevents renumbering your permanent files every time a change is made.

In addition, the Ohio Historical Society requires that each separate media type be a separate series. If you prepare a memo, save it on the network and then print it out to send, you have created two records. Even though they are identical in terms of content, the electronic record (on the network)

and the paper record (printed copy) must be a separate record series. To reflect this duality, list the records series including A, B, C, etc. for the different media types.

(5) SCHEDULE NUMBER	(6) RECORD TITLE AND DESCRIPTION	(7) RETENTIO N PERIOD	(8) MEDIA TYPE	(9) FOR USE BY AUDIT OR OF STATE OR OHS- LGRP
CNL-001	Council Meeting Packets - Reg./COW/Special meetings	3 Years	Paper	
CNL-001A	Council Meeting Packets - Reg./COW/Special meetings	6 Years	Electronic	
CNL-002	Council Meeting Minutes – Reg./COW/Special meetings	Permanent	Paper/electronic	

Thus, CNL-001 refers to the paper version of the Council Meeting Packets, but since the packets are also stored on different media and have different retention period, they require separate entries on the RC-2. Generally, departments and divisions will have two media types for virtually all records created and/or maintained: electronic and paper. If the retention period is the same, then you do not need to list them separately, but need to list both media types under Section 8 – See above.

Creating a New Record Series

To assist the records officer within your department or division, be sure to note in the description of the records series the year in which the record series was created. As a reminder, any new series created should be a new, previously unused number.

Correspondence as a Record Series

Experts vary in their recommendations for the treatment of correspondence. Some experts suggest dividing correspondence into Executive, General and Routine. Others suggest that correspondence be divided even further based on subject matter. The experts also provide a description for each type of correspondence, but often they fail to emphasize an important point: the record series must reflect the method by which your department or division files the record. In addition, different departments or divisions should refer to similar categories using the same language (meaning that everyone should refer to correspondence rather than to mail, memos, letters, or any other name by category). Therefore, based on a survey of the filing systems used by the departments and divisions, the following categories are recommended for correspondence:

General Correspondence, which is correspondence that does not reflect policy and is general in nature and Executive Correspondence, which is correspondence that does involve policy. Please take note that email is not a record series within itself; rather, email is correspondence in an electronic media and should be reviewed for content to determine the retention period. Information received via email is no less valuable than a traditional memo and should be categorized as general or executive correspondence.

Transient Records as a Record Series

Transient or transitory records have only modest administrative value and usually communicate information of temporary importance in lieu of oral communication. These records can be a public record and properly scheduled on the RC-2 with a retention period of “Until No Longer of Administrative Value”.

Retention Periods

Retention period is the length of time a record is maintained. That length of time is determined from a variety of factors: state and federal law, local ordinances, type and usage of record, the Ohio Historical Society’s recommendations, and your department or division’s requirements. By law, the Ohio Historical Society may only make recommendations; the City’s Records Commission approves the actual retention period for City records. Although the Records Commission rarely changes the recommended retention periods, the Commission has the authority to do so at any time or may request additional information from the department or division. To save this step, departments/divisions should provide a written explanation of the proposed changes at the time the forms are submitted for the Records Commission review.

In addition, the department/division records officer must review how records and information are used within their own department or division. Retention periods may be in terms of time, specific events or both. Phone lists, for example, are usually “until superseded”—which means the phone list is destroyed once an updated list is distributed. An equipment repair log may be “for the life of the equipment,” but accident reports may be “ten years after claim resolution.” Financial documents are usually “three years if audited.”

Stating Retention Periods in Terms of Time

Establishing retention periods for the majority of records is a little more difficult. Several factors may influence this decision—including whether the document is still active. For example, a lease signed in 1980 and renewed since then is still a current document. Although “passive” records like the lease example are not common, the records officer must be careful to consider the current relevance of the record. Regardless of the lease’s original date, its terms are still in effect, and the original is a current record.

Administrative Value	Needed to conduct current business. This value diminishes over time as business changes
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Legal Value	Documents or protects the legal rights of the public entity who created it. Retain until the legal rights/obligations of subject matter expire
Fiscal Value	Used in the accounting of Public Funds. Maintain until the accounts have been audited. In Moraine, “3 years provided audited” is the typical retention period
Historical Value	Continuing historical value to the State of Ohio and its citizens. OHS LGRP staff make this decision

Retention Periods That Do Not Require RC-3s

Two common retention periods are “until no longer of administrative value” or “until superseded.” These enable a user to maintain a record for as long as it useful. Both can be used for transient records such as handwritten notes and post-it notes as well as other documents that have a relatively short period of usefulness and do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. Voice mail and telephone messages also fall into this category.

Definition of Time Periods as Retention Periods

Keep in mind that the retention period refers to *complete years*. For example, if the retention period is three years, those records are maintained for three complete years plus the current year. Thus, if it is 2020, the records from 2019, 2018 and 2017 in addition to the 2020 records are maintained. In this example, records dated 2016 could be destroyed using an RC-3.

Annual Due Date

RC-2s are due annually in the Clerk of Council’s office by **5 p.m. the last Friday in March.**

Form RC-3: Certificate of Records Disposal

This form tracks the disposal of records in compliance with the RC-2 and RC-1 and is available in Word format at O:\Records Retention\Forms. Records series with retentions based on events, such as “until superseded” or “until no longer of administrative value,” do not require RC-3s. All City records destruction must be listed on an RC-3 prior to their destruction. The Records Commission approves all RC-3s.

Please note that the “Records Commission Approval Date” column refers to the Records Commission approval date of the RC-2 that governs the records that you are destroying.

Annual Due Date

RC-3s are due annually in the Clerk of Council’s office by **5 p.m. the first Friday in May.**

Annual Destruction of Records

Based on the due dates and meeting dates of the Records Commission, annual records destruction will occur after the RC-2s are reviewed and approved by the Ohio Historical Society and the Records Commission approves the RC-3s.

Using the Electronic Forms

The electronic versions of these forms are on the O:\Records Retention\your division. If you have changes to your RC-2, select the previous year and select the “Save As” function and place into your department or division folder with the current year.

Once you have successfully renamed the form for the current year, you may begin to input your information, including record series and retention periods. Be sure to delete rows as necessary to maintain the appearance of the forms. If a record series is added or a retention period is changed, highlight those changes in **yellow**, if a record series is removed, highlight the line in **red**.

Records Commission

Membership

§149.39 of the Ohio Revised Code establishes the requirement for a municipal records commission. The City’s Records Commission is comprised of the City Manager (or designee) as Chair, the Finance Director, a citizen appointed, the Law Director and the Clerk of Council who serves as secretary. The Commission must meet twice a year in an open meeting, with proper notification as required by the Sunshine Law and minutes of these meetings must be kept.

Duties

The duties of the Commission are to provide rules for the retention and destruction of public records; to review the schedules and requests for destruction; to ensure proper procedures are followed in reference to the retention and disposition of public records; to revise the retention schedules as needed; and to maintain a file containing copies of all forms (RC-1s, RC-2s, and RC-3s) and Commission minutes.

In addition to the statutory duties, the Commission oversees the overall management of records within the City. The Commission also provides direction through annual reviews of the necessary forms and ensures that each form contains only records series for which that department or division is responsible. For example, the Finance Department is the office of record for all purchase orders. Although everyone uses purchase orders during their course of business, these are only working copies. Similarly, the City Manager’s office maintains the master personnel files. By ensuring that only one department/division is the office of record, the Commission simplifies the process of completing records requests. The appropriate officer need only check the office of record rather than search the entire City.

Annual Meetings

The Records Commission usually meets **in March to review the RC-2s and June or September to review RC-1s and RC-3s.** The Commission approves all RC-1s, RC-2s and RC-3s.

Approval of Records Retention Forms

The Records Commission review and approves RC-1s and RC-2s at the first meeting of the year. Upon approval by the Commission, these forms are sent to the Ohio Historical Society Local Government Records Program (OHS LGPR) for approval. The OHS LGPR then forwards the forms to the State Auditor's office for approval. This process may take up to ninety days to complete. Once the approval process is completed, the OHS LGPR coordinator will return the approved RC-1s and RC-2s to the Commission Secretary. The Commission Secretary must maintain a master file and distribute copies to the appropriate department/division records officer.

At any time, the OHS LGPR coordinator may request the records be maintained pending review for historical value. The OHS LGPR will mark the records that they are required to approve before destruction "RC-3 Required".

Penalty

A fine of up to \$1,000 per record, in addition to reasonable attorneys' fees, may be levied for each record that is improperly destroyed. Although this fine is not levied often, it can be substantial when it is imposed. For example, an out-going mayor of a city near Columbus destroyed several thousand records as he prepared to leave office and the resulting fine was more than one million dollars. If you are unsure as to whether a document or record can be legally destroyed, err on the side of caution and maintain it until the matter can be clarified.

Records Reviews

Annual records reviews, whether random or complete, are highly recommended as part of an effective records management program. Human beings make mistakes, and it is better to identify that on our own than in the midst of a controversial action. The purpose of conducting a records review is primarily to determine if any records are missing and to determine compliance with the existing RC-2(s).

During a random review, the records officer will attempt to locate several files as well as visually count the drawers present and compare that figure to the number of file drawers listed on the records inventory. The records officer will select a random drawer to review for file inventory accuracy. This review could identify potential or existing problems.

If you have any questions, please contact the Clerk of Council.

Vital Records Program

A vital records program is very important to the function of the City in the face of natural disaster or other catastrophic event. The lack of such a program is an invitation to confusion and chaos at a time when many of our residents would be in the greatest need. Vital records contain information critical to the operation of the City and a small percentage of the City's records will meet this criterion. Examples include the Disaster Plan, the City Charter, the Codified Ordinances, Police or Fire Procedure Manuals, bank account information, and employee names, addresses and phone numbers by department or division. Certain infrastructure information as well as the location of large pieces of City equipment such as snowplows and other vehicles would also be useful in the face of a disaster. The identification of the records that are considered "vital records" is part of the records survey process.

Four "Vital Records" boxes will be maintained, reviewed and updated (if necessary) quarterly to ensure accuracy. These boxes are placed at the following locations: 1) remains in the City Manager's possession, 2) will be stored in Clerk of Council's file room, 3) will be stored at Fire Station 28, and 4) will be stored at a location outside the City as determined by the City Manager.

Public Records Requests - Inspection and Release of Records

Ohio Revised Code Section 149.43[B]

In accordance with Ohio Revised Code Section 149.43(B), all public records which are responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours of the City. Upon request, a public office is required to make copies of the requested public records within a reasonable period of time.

In short, anybody can ask to view and/or obtain a copy of any record. The person making the request may do so by phone, in person, by email, or in a letter. A public office may not require the person to identify him or herself or indicate why he or she is requesting the records, unless a specific law permits or requires it. The person requesting records has the right to specify if he or she would like to review the records or obtain copies. If copies are requested, the person making the request has the right to choose the copy medium (paper, film, electronic file, etc.). The person requesting copies may be charged for the actual cost of the copies, postage, and the actual cost of supplies used in mailing or delivery of public records.

DO NOT create a record in response to a records request!!!! This means if someone requests a particular report, if the information requested is not available on the report you have, then you do not create a new record to respond to that request. Provide what you have and explain how the records requested are maintained.

Exceptions to the Public Records Law

The exceptions to the Public Records Law can be found in ORC 149.43. The law does allow for a legal review—provided that it is not used as a delaying tactic. Key to this process is keeping the requester informed about the process as well as the status within the process. Remember, the goal of these laws is to ensure reasonable behavior on the part of public servants.

CONCLUSION

Records Management is a complex undertaking. State, federal, and local legislation all apply to varied aspects of a records management program. Wading through the regulations can be a confusing and frustrating experience, and, as with any topic, interpretations often vary. In addition, records management programs must be based on sound management practices.

Despite these difficulties, the regulations must be closely followed in order to limit the liability of the City. In addition, several valid schools of thought exist for the management of records and can be subjective so do not be surprised to hear different recommendations from speakers at conferences. Consistency within our City's records management practices, however, is the key component to effective records management. This manual is a tool to accomplish that goal. Not every records issue is addressed within this manual.

CHEAT SHEET

RECORD - Records include any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the office.

RECORD SERIES - a compilation of similar “public records” within a department or division. The Record Series Number should clearly identify the department to which the series belongs.

RETENTION PERIOD - is the length of time for which the record will be maintained. That length of time is determined from a variety of factors: state and federal law, local ordinances, type and usage of record, the Ohio Historical Society’s recommendations, and your department’s or division’s requirements.

TRANSIENT OR TRANSITORY RECORDS - have only modest administrative value and usually communicate information of temporary importance in lieu of oral communication.

RC-1 - This form is used for the disposition of obsolete records. Obsolete records are records that have never been properly scheduled on an RC-2 and are no longer created or were only created once. Due annually in the Clerk of Council’s office by **5 p.m. the first Friday in May.**

RC-2 - This form is used to establish retention periods for all records created, received or maintained by a public office. Due annually in the Clerk of Council’s office by **5 p.m. the first Friday in March.**

RC-3 - This form is used to track the disposal of records in compliance with the established disposition on the RC-2. Due annually in the Clerk of Council’s office by **5 p.m. the first Friday in May.**

RECORDS COMMISSION - The duties of the commission are to provide rules for the retention and destruction of public records; to review the schedules and requests for destruction; to ensure proper procedures are followed in reference to the retention and disposition of public records; to revise the retention schedules as needed; and to maintain a file containing copies of all forms (RC-1s, RC-2s, and RC-3s) and Commission minutes. In addition to the statutory duties, the Commission oversees the overall management of records within the City. The Commission also provides direction through annual reviews of the necessary forms and ensures that each form contains only records series for which that department or division is responsible. The Records Commission usually meets **in March to review RC-2s and June to review RC-1s & RC-3s.**