



To: CODE Employees  
From: CODE Board  
Re: Text Messages  
Date: February 5, 2026

Dear CODE Bargaining Unit,

The Ohio Open Records law (R.C. 149.43) broadly defines what constitutes a “public record.” Subject to the limitations in the law, that same statute makes public records available for copying and inspection by people or entities requesting access to those records. For that reason, CODE’s position is that its employees **do not conduct any City business on their personal devices.**

“City business” should be given the broadest interpretation possible, including communication with other City employees about City matters, regardless of how inconsequential your communication may seem. For example, texting your supervisor that you are taking a sick day may constitute a public record. However, if you are friends with your co-workers and you send a text off-premises, off-hours, about where you would like to eat dinner, that text is not likely City business and not subject to an Open Records request. All City business should be conducted either on City-owned telephones, or if you carry your personal device in lieu of a City phone, through City email, not personal text messages.

Additionally, your personally owned devices are yours. If there are no work-related communications contained on your personal device, **you are under no obligation to turn over your device to City HR.** However, if there are public records on your device, the City has a good argument that it should be allowed access to your device during the course of an investigation. Further, if you have

public records on your device, there could be civil and/or criminal consequences to the deletion of those public records and/or the non-responsiveness to a public records request.

For all the above reasons, the best practice for CODE-represented City employees is to **not conduct City business on personal cellular telephones**. If you have what could be a public record on your personal cellular telephone, please do not delete it.

Sincerely,

**/s/ Kathleen L. Schulte**

Kathleen L. Schulte, CODE President  
on behalf of the CODE Board

**\*City HR Disclaimer: The views, opinions, contractual interpretation, and information expressed herein is being sent solely by the CODE union under the terms of the collective bargaining agreement with the City of Cincinnati. It does not necessarily reflect that of the City of Cincinnati or any of its departments and has no bearing on the City's position on any issue or in any grievance with the CODE union.**