

# Huron County Commissioners' Office Public Records Policy

## **Introduction:**

It is the policy of this Office that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this Office 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 is in writing, the explanation must also be in writing.

## **Section 1. Public records**

This Office, 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 Office are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

**Section 1.1** It is the policy of this Office that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

## **Section 2. Record requests**

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

**Section 2.1** Public records are to be available for inspection during regular business hours. Public records shall 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 2.2** 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 2.3** The person requesting records must identify those records with sufficient clarity to allow the records custodian to identify, retrieve and review the records. For the purpose of enhancing the ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the Huron County offices may ask for the request in writing. Staff will assist the requestor, if necessary.

1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
2. Although the records custodian may ask for the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requester shall be advised that:
  - a. A request in writing is not mandatory; and
  - b. The requestor's refusal to make a request in writing, or to identify themselves or the intended use of the information, does not impair their right to inspect and/or receive copies of the public record.
3. Any person, including corporations, individuals, and governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.

**Section 2.4** Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, this public office shall promptly respond to the request.

- A. A staff person will evaluate the request and estimate the length of time required to gather the records, taking into account the volume of records; the proximity of the record storage; and the necessity for any legal review of the records requested. The requestor will be advised that advance payment is required prior to providing copies of public records, and in addition, if mailed, the fee shall also include the cost of postage and the envelope.
- B. When practical, this Office may forward copies of records by any other means reasonably acceptable to the requestor.
- C. If a request is voluminous, housed in an off-site location or will

require legal review, an acknowledgement letter will be prepared. This letter will include: the estimated number of business days to satisfy the request, an estimated cost if copies are requested; and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.

- D. Persons seeking copies of public records are not permitted to make their own copies of the requested documents by any means. (R.C. 149.43(B)(6))
- E. In the event a request is made to inspect and/or obtain a copy of a record maintained by these Offices whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the office for research and /or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released.

**Section 2.5** 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.

**Section 2.6** Requests for inspection and/or copies of public records, which are not maintained by the Huron County Board of Commissioners or the six Commissioner agencies shall be replied to in writing. The response shall include the information that these records are not kept by this Office; the requested records have been disposed of according to the Schedules of Records Retention and Disposition (RC-2) or pursuant to Application of One Time Records Disposal (RC-1); or that in accordance with R.C. 149.40, the Office is under no obligation to create records to meet the records request.

### **Section 3. Costs for Public Records**

Those seeking public records will be charged only the actual cost of making copies.

**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.

#### **Section 4. Failure to respond to a public records request**

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

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