

HIGHLAND COUNTY COMMISSIONERS

PUBLIC RECORDS POLICY

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MISSION STATEMENT

The State of Ohio views public records as the people's records, and Highland County as the custodian of the people's records. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Highland County Commissioner's Office to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Record's Act.

DEFINING PUBLIC RECORDS

All records kept by the Highland County Commissioner's Office are public unless they are exempt from disclosure under Ohio law. Ohio Revised Code §149.43 defines a public record as a "record" kept by any public office. A "record" is any item that:

- Contains information stored on a fixed medium - paper, electronic (including, but not limited to email) or other format; and

- Is created or received by, or comes under the jurisdiction of a public office; and

- Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the County.

All records of the Highland County Commissioners are public, unless they are specifically exempt from disclosure under the Ohio Revised Code or a specific provision of either state or federal law prohibits their release. As required by Ohio law, records, including e-mail, will be organized and maintained so they are readily available for inspection and copying.

RESPONSE TIMEFRAME

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 and redaction of the records requested.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow

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

Individuals wanting to make a Public Records Request will be asked to complete form HC100 in an effort to provide the record in a timely fashion. 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. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requester that a written request is not required and that the requester may decline to reveal the requester's identity or intended use. A written request form shall contain only one request per form.

In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the office may accommodate the requester by generating new records when it makes sense and is practical under the circumstances.

A requester must identify the records he or she is seeking "with reasonable clarity." The request must not be overly broad, and must describe what the requester is seeking "specifically and particular." A court will not compel a public office to produce public records when the underlying request is ambiguous or overly broad. For example, a request for "any and all records containing any reference whatsoever" to a particular person or office is an inappropriate public records request because it fails to identify the particular records sought. *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 3912, 2008-Ohio-4788; O.R.C. §149.43(B)(2); *State ex rel. Dillery v. Iceman*, 92 Ohio St.3d 312, 2001-Ohio-193.

In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website (www.ohioattorneygeneral.gov) for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a Blackberry) are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

DENIAL OR REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is 10 cents per page. The charge for electronic files downloaded to a compact disc is \$6.00 per disc. The Highland County Commissioners will not accept discs or electronic devices from requesters based on computer safety and security.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

HIGHLAND COUNTY COMMISSIONERS

OPEN PUBLIC RECORDS ACT REQUEST FORM

119 Governor Foraker Place * Hillsboro, Ohio 45133

937-393-1911

The County provides this form to manage the public records request process more efficiently, and to help avoid delays and confusion. The availability of public records is not limited by or conditioned on completion of this form. A written request for records is not mandatory and you may decline to identify yourself. If you do not want to make a written request, or do not want to reveal your identity, please call the above number. If you choose to use this form, please provide specific details about what you want, including time frame, agency, etc.

Requestor Information - Please Print

Payment Information

First Name _____ MI _____ Last Name _____

E-mail Address _____

Mailing Address _____

City _____ State _____ Zip _____

Telephone _____ FAX _____

Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail _____

There is no charge to inspect records. See "Payment Information" for fee schedule.

Signature _____ Date _____

Select Payment Method

Cash Check Money Order

Fees: Per Copy Page - \$0.10 per page
Other materials (CD, DVD, etc) -- \$6.00 each

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

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Tracking Information

Final Cost

Tracking # _____	Total _____
Rec'd Date _____	Deposit _____
Ready Date _____	Balance Due _____
Total Pages _____	Balance Paid _____

Records Provided _____

Custodian Signature Date