

ROSS COUNTY PUBLIC RECORDS POLICY

INTRODUCTION:

It is the policy of the Ross County Board of Commissioners and the other County Officials who have adopted this policy by their signature below, that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of these county officials to strictly adhere to the state's Public Records Law. 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

These county officials, in accordance with the Ohio Revised Code, define 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 the offices of these county officials are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of these county officials that, as required by Ohio law, office records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). 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

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 or if a request is overly broad, the records custodian must contact the requester for clarification, and allow the requestor the opportunity to revise the request. The records custodian should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

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. It is these offices' general policy not to request this information.

Section 2.3

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 of the records requested.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by these officials within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

Section 2.4a

An estimated number of business days it will take to satisfy the request.

Section 2.4b

An estimated cost if copies are requested.

Section 2.4c

Any items within the request that may be exempt from disclosure.

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 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 five (5) cents per page. Request for copies of ten (10) or less will not be charged.

Section 3.2

The charge for downloaded computer files to a floppy or compact disc is one dollar (\$1) per disc.

Section 3.3

There is no charge for e-mailed documents (if available in that format).

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. Requests for information with a total estimated cost for copies and /or mailing of \$ 5.00 or more will require payment in advance. This office limits the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the requestor does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Section 4 E-MAILS

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the appropriate retention schedule.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

Section 4.2

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5 FAILURES TO RESPOND TO A PUBLIC RECORDS REQUEST

The Ross County Commissioners and the other county officials who have adopted this policy recognize the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that the failure to comply may cause, failure to comply with a request may result in a court ordering the County office to comply with the law and to pay the requester's attorney fees and damages.

*Policy Adopted September 24, 2007
Ross County Board of Commissioners*

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