



Public Records Policy

What is a Record?

A “**record**” is defined as any item that contains information stored on a fixed medium; is created, received, or sent under the jurisdiction of a public office; and documents the organization, functions, policies, decisions, procedures, operations or other activities of the office, as defined by Ohio law (ORC 149.011(G)).

A “**public record**” as defined by Ohio law (ORC 149.43(A)(1)), means records kept by any public office.

The test to determine if something is a public record is 3 parts. All 3 parts must be met for the item to constitute a public record. A public record is:

- 1) Any document, device or item regardless of physical form;
- 2) Created or received by or coming under the jurisdiction of any public office;
- 3) Which serves to document the organization, functions, policies, decisions, procedures, operations or activities of the office.

Note:

Form of the record or device used does not impact the item’s status as a public record. Records in the form of email, text messaging, and instant messaging, including those sent and received via a hand-held communications device are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Not all items are records. The most common example of items that are not a record are personal notes. Personal notes are not a record if they are:

1. Kept as personal papers
2. Kept for the employee’s convenience and
3. Other employees did not use or have access to the notes

Requests for a Record

Requests for public records can be made during normal office hours in either written form or a verbal request for information. The request can be made by an email, a letter, a phone call, or in person. **There is no requirement that these requests be in writing. Further, the requestor is not required to give their identity.**

While there is no requirement that requests be made in writing we have developed a form to assist the public in making their requests. This form is on file with the Open Government and Legal Services Manager as well as in locations where we interact with the public. By utilizing this form we can help clarify the understanding of what records are being requested and clear up any ambiguities. Use of the intake form will allow us to respond faster and more fully to requests.



Records that are not Released

Generally public records are freely available upon request, but the Ohio Revised Code provides some exemptions and exceptions. Under these provisions certain information may be redacted, and in some cases, entire records can be withheld. Denial of all or any part of a public record request must include an explanation, including legal authority, for withholding the information. When redacting a portion of a record, the original copy of the record should be maintained. Any altering of a record should be done to a copy of the original record.

Prior to redacting a record or refusing to release a record, the Open Government and Legal Services Manager must be consulted.

Media Requests

Members of the media should submit their request to our Director of Communications. If an employee receives a request from a member of the media, they should immediately forward it to the Director of Communications. If you are unsure if the request is from the media, please contact your supervisor, the Director of Communications, or the Open Government and Legal Services Manager.

Time to Respond

Public records are to 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 as defined by Ohio law; preparing the request; and providing for delivery.

Negotiate a Solution

If a record does not already exist, we are not required to create a record that contains the information requested, or seek out and retrieve records that contain specific information that may be of interest of the requester.

While we are not required to create a record, if possible, FCAO staff should work with the requester to get them the information they are ultimately seeking. This could mean assisting them to refine their request to this office or directing them to the proper source for the record they are seeking. We are a public office and transparency is of utmost importance. The Public Records Statute requires we negotiate clarification for overly broad or ambiguous requests. This attempt to negotiate a solution should apply to all records requests this office receives. We will strive to go above and beyond our statutory duties and provide exemplary customer service.



Copying a Record

There is not a requirement that the FCAO allow individuals seeking a record to make copies of the public record themselves. The records of this office should remain under the control of this office.

Costs

The FCAO may charge for the actual cost of completing a public records request. These costs could include the copying and mailing supplies but not the actual staff time to complete the request. FCAO may charge for requests that require copying more than 20 pages or that require more than \$10 in supplies such as CDs, USB drives, packaging or postage to complete.

Policy Questions

Questions regarding this policy should be directed to the Open Government and Legal Services Manager.