



Title:	<b>Public Record Requests</b>
Policy #:	<b>70-RM-03</b>
Legal Reference:	ORC 3304.15, 149.43
Date:	September 18, 2017
Approved:	Kevin L. Miller, Executive Director 
Origin:	Division of Legal Services
Supersedes:	70-RM-03 and 70-RM-03-01 Public Records Request Policy and Procedure (09/02/14, reviewed 10/28/15)
History:	70-RM-03 (08/18/11), ADM 2006.24 (08/01/08)
Review/ Implementation	Begin Review – 03/18/19 Implement Revisions By – 09/18/19

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code (ORC) §3304.15 which establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its Executive Director to develop all necessary rules and policy in furtherance of its statutory duties.

**II. PURPOSE**

The purpose of this policy is to provide guidelines for public record requests in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code, Ohio Administrative Code) Governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or Executive Director expectations.

**III. APPLICABILITY**

This policy applies to all OOD employees

**IV. DEFINITIONS**

Area/Site Records Coordinator – the individual(s) designated by the division/bureau deputy director that is responsible for the oversight of their location’s records management.

Public Record – a public record is any item that: 1) contains information stored on a fixed medium (e.g. paper, computer, disc, tape); 2) is created, received, or sent under the jurisdiction of a public office; and 3) documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. The definition has been construed to include any material on which a public office can and does rely.

Electronic Record – documents in electronic format, sent or received by any electronic means, including a hand-held communications device (e.g. a Cellular Phone), which documents the business of the Agency, are public records, whether the device was agency-issued or personally owned. Electronic records, email, and instant messages are to be treated in the same manner as records in other formats.

## V. POLICY

### A. General

1. It is the policy of OOD that each OOD office shall post the "Public Records Factsheet" (Form 70-RM-03.A) in a conspicuous place (e.g. bulletin board) and maintain a hard copy of the "Public Record Request Policy" (70-RM-03). The Area/Site Coordinator shall ensure compliance with this provision.
2. It is the policy of OOD that the "Public Record Request Policy" (70-RM-03) shall be posted on OOD's webpage. The Chief of Communications, or designee, shall ensure compliance with this provision.

### B. Processing of Public Record Requests (PRR)

1. Upon receipt of a PRR, the employee or contractor shall ensure that the request is clearly understood.
2. If a requester is unwilling to provide their name or to submit their request in writing, an employee or contractor shall proceed to collect as much information as possible in order to process the request. An employee or contractor shall not require a requester to provide their name or put their request in writing in order to have their request processed.
  - a. If the PRP is a hard copy, the employee shall date stamp the request prior to submission to the Division of Legal Services (DLS).
3. Once the request is clear, the employee or contractor who received the request shall forward the request to the DLS, via email to [OOD.PublicRecordsReq@ood.ohio.gov](mailto:OOD.PublicRecordsReq@ood.ohio.gov).
4. Upon receipt DLS shall proceed as detailed below.
  - a. Enter the PRR into the PRR Log;
  - b. Create a file on the electronic records database to maintain all records as it relates to the PR.
  - c. Contact the requestor as follows:
    - i. send a confirmation to the requestor which shall include a description of what is understood to be their request, a request for any clarifications that are needed, and that the request will be provided in an electronic format where possible; or
    - ii. send a letter to the requester denying their request and stating the legal basis for the denial if it is not an appropriate public records request.
  - d. Contact the Area/Site Records Coordinator to gather the requested records for the PRR.
  - e. If necessary, submit an email search request to DAS if email records are included in the request.
5. The Area/Site Records Coordinator shall gather the requested records ensuring that all responsive records are included, identify any applicable redactions, and then forward to DLS, via email to [OOD.PublicRecordsReq@ood.ohio.gov](mailto:OOD.PublicRecordsReq@ood.ohio.gov), for review.

6. Upon receipt of the records, DLS shall review the records to ensure the proposed redactions are correct.
  - a. If it is apparent that there are missing records or errors in the proposed redactions, DLS shall work with the Area/Site Records Coordinator to locate additional responsive records and correct the redactions.
7. Upon receipt of the results of an email search, the DLS shall review for responsive records and make any redactions that are appropriate.
8. DLS shall prepare a coversheet for the records explaining the legal reasons for the redactions.

#### C. Completion of Public Record Requests

1. Once DLS has approved the PRR packet of documents, DLS shall proceed as detailed below.
  - a. Prepare a coversheet for the records explaining the legal reasons for the redactions.
  - b. If the PRR allows for the records to be sent via email or fax, forward the coversheet and requested records to the requestor, copying the Area/Site Records Coordinator.
    - i. There is no cost for records sent via email or fax.
  - c. If it is not possible to transmit the records electronically, or if the requestor requires that hard copies of the records be provided, there will be no fee associated with the request if the responsive records total 50 pages or less.
  - d. Fees will be associated with PRRs that request that records be provided:
    - i. as hard copies (when the records exceed 50 pages);
    - ii. on an alternative medium (e.g. flash drive, compact disc); and/or
    - iii. via the US mail.
  - e. DLS shall prepare an invoice detailing the cost of the fees based on the published fees, as provided below, and send it to the requestor.
    - i. Fees are as detailed below.
      - a) \$0.05 per page for hard copies of records which exceed 50 pages.
      - b) Records which are requested on an alternative medium will include the cost of the medium.
      - c) The estimated cost of mailing the hard copies or the alternative medium.
    - ii. Upon receipt of payment, DLS shall forward the records to the requestor.
    - iii. If payment is not received on or before the 30<sup>th</sup> day from the original date the invoice was sent, a second invoice shall be sent.
    - iv. If payment is not received on or before the 14<sup>th</sup> day from the 2<sup>nd</sup> invoice being sent, a final invoice shall be sent.

- v. If the requester does not respond on or before the 5<sup>th</sup> day after a final invoice is sent, DLS shall not forward the response or the requested records to the requester and the request shall be closed as “unfulfilled due to non-payment.”
  - vi. If a requester subsequently contacts OOD about a previous request that was closed as unfulfilled due to non-payment, the request must be treated as a new request.
- f. If the requestor requests to view the records, instruct the Area/Site Records Coordinator to schedule an appointment with the requestor during normal business hours (i.e. 8:00 AM to 4:45 PM, Monday through Friday, excluding State recognized holidays).
- i. The Area/Site Records Coordinator shall remain with the requestor during the entire inspection of records. The requestor is never to be left alone with OOD records.
  - ii. If necessary, the Area/Site Records Coordinator shall coordinate with the DLS if the records need to be redacted.
  - iii. If hard copies of the records are requested, payment must be received prior to releasing the copies as required by this policy.

#### D. Violation

An employee who violates this policy may be subject to discipline up to and including removal.

### **FORMS AND ATTACHMENTS**

- 70-RM-03.A - Public Record Requests (Effective 7-27-17)

### **RESOURCES**

- N/A

### **REVIEW**

It is the responsibility of the Deputy Director, or designee, to review this policy, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director, or designee, shall document the review as required in “Policy and Procedure Development, Review, Dissemination and Acknowledgement” (10-ADM-01).