



Title:	<b>Public Record Requests</b>
Policy #:	<b>70-RM-03</b>
Legal Reference:	ORC §3304.15, §3304.16, §149.43 (E)(2)
Effective Date:	June 29, 2020
Approved:	Kevin L. Miller, Director 
Origin:	Division of Legal Services
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Review/ Implementation	Begin Review – 12/06/2021 Implement Revisions By – 06/06/2022

**I. AUTHORITY**

This policy, and if necessary subsequent procedures, are issued in compliance with Ohio Revised Code (ORC) §3304.15 and which §3304.16 establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its Executive Director to develop all necessary rules, policy and procedure in furtherance of its statutory duties.

**II. PURPOSE**

The purpose of this policy is to comply with Section 149.43 (E)(2) of the Ohio Revised Code (ORC) and provide guidelines to employees and contractors in making available the materials to which the public is entitled by law in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code [ORC], Ohio Administrative Code [OAC]), Governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or Director expectations.

**III. APPLICABILITY**

This policy applies to all OOD employees and contractors.

**IV. DEFINITIONS**

Area/Site Records Coordinator – the individual(s) designated by the division/bureau deputy director, or in the case of Vocational Rehabilitation field offices, the Area Manager, 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. Each OOD office shall post the “Public Records Request Policy Poster” in a conspicuous place (e.g. bulletin board, front desk, waiting area).
  - a. The Area/Site Coordinator shall ensure compliance with this provision.
2. The “Public Record Request Policy” (70-RM-03) shall be posted on OOD’s webpage at the following link: <https://ood.ohio.gov/wps/portal/gov/ood/laws-rules-and-policies/policies/>
  - a. The Agency Policy Coordinator, or designee, shall ensure compliance with this provision.

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

1. A PRR does not have to be made in writing nor does the requestor have to provide their name. In general, there is no requirement that the requestor specify the reason for the request, nor use particular wording to make a request.
  - a. If the PRR is verbal, it is recommended that the employee or contractor receiving the request write down the request and confirm the wording of what’s written down with the requestor to assure accuracy.
  - b. If the PRR is a hard copy, the request shall be date stamped.
2. The employee or contractor who received the request shall immediately forward the request to the Division of Legal Services (DLS) electronically via [OOD.PublicRecordsReq@ood.ohio.gov](mailto:OOD.PublicRecordsReq@ood.ohio.gov).
3. Upon receipt DLS shall proceed as detailed below.
  - a. Maintain each PRR and response on the electronic records database pursuant to the records retention schedule.
  - b. Determine whether the PRR identifies the requested records with sufficient clarity to allow OOD to retrieve them and provide a response.
    - i. If the PRR is clear and is not denied, contact the appropriate Area/Site Records Coordinator and/or the Department of Administrative Services (DAS), Customer Support, to gather the requested records.
    - ii. If the request is ambiguous or overly broad, the request may be denied.

- a) Send a written/electronic communication stating the legal basis for the denial and inform the requestor that they have the opportunity to revise the denied request and resubmit, and if appropriate, inform the requestor how OOD ordinarily maintains the records.
  - b) The communication shall specify that the requestor has the opportunity to revise the denied request and, if appropriate, inform the requestor how OOD ordinarily maintains
- c. Send a written/electronic communication to the requestor confirming receipt of the PRR if the response is not anticipated to be prompt.
4. The Area/Site Records Coordinator shall gather the requested records ensuring that all responsive records are included, and then forward to DLS, via email to [OOD.PublicRecordsReq@ood.ohio.gov](mailto:OOD.PublicRecordsReq@ood.ohio.gov), for review.
5. On receipt of the records, DLS shall review the records to ensure that they are responsive to the request and, if so, redact or withhold the appropriate items that are exempt from public record.
  - a. If the records received from the Area/Site Records Coordinator are not responsive to the request, then DLS may provide the records as a courtesy to the requestor, or respond that there are no records responsive to the request.
  - b. If it is apparent that there are missing records, DLS shall work with the Area/Site Records Coordinator to locate additional responsive records.
7. Requests to inspect records may be made in person at any OOD location where the records are stored. Records must be made available promptly after any non-public information is redacted. There is no cost to inspect records.
  - a. Inspection of public records shall occur within OOD's regular business hours, excluding published holidays.
  - b. All original records shall remain in the possession of OOD at all times. The Area/Site Records Coordinator shall make all requested records and coordinate with DLS for any redactions or withholdings.
8. OOD may limit a requestor to ten (10) records requested per month, unless the requestor certifies to OOD, in writing, that the requestor does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. Refer to ORC 149.43(B)(7)(c).
  - a. The written request shall contain a signature certifying the above exception to OOD's DLS via e-mail to [OOD.PublicRecordsReq@ood.ohio.gov](mailto:OOD.PublicRecordsReq@ood.ohio.gov), or by mail to 400 East Campus View Boulevard, 3LC, Columbus, Ohio 43235-4604, or in person.

### 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 written response to the requestor, preferably via email, identifying the records, all associated fees, and explaining the legal reasons for the redactions or withholdings.
    - i. DLS shall calculate all actual costs (e.g. copy cost, delivery format) and charge the requestor for these associated fees.
      - a) There is no cost for providing documents or files via email.
      - b) Actual costs for available formats are as follows:
        - 1) hard copies printed from a copier are \$.05 per page;
        - 2) alternative formats (e.g. flash drive) are available and shall be levied on the requestor at cost. Flash drives currently cost between \$5.00 and \$31.00; and
        - 3) the cost of postage, mailing supplies, or other delivery costs will also be charged at actual cost. Records are sent by ordinary mail.
    - ii. Advance payment is required before records may be released.
  - b. If the requestor wishes to proceed, the requests may be received in person or OOD may transmit copies of the public records by other means of delivery or transmission at the choice of the requestor and as feasible.
    - i. DLS shall forward responsive records to the requestor once payment is received.
    - ii. DLS shall close the public records request if payment is not received on or before the 30<sup>th</sup> day from the original date request for payment was issued. The request shall be closed as “unfilled due to non-payment.” Any subsequent request for the same records will be treated as a new request.

### D. Violation

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

### **FORMS AND ATTACHMENTS**

- N/A

### **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 Process” (10-ADM-01).

## **OPPORTUNITIES FOR OHIOANS WITH DISABILITIES (OOD) PUBLIC RECORDS POSTER**

Records that document the work of OOD are public, unless an exemption applies.

The requestor must identify the requested records with sufficient clarity to allow OOD to retrieve them. If a request is ambiguous or overly broad, OOD may deny the request, but also assist the requester to clarify the request or explain how the records are organized.

There is no charge to inspect public records. Copies of records are available at actual cost. The charge for paper copies is \$.05 per page. The charge for electronic files, downloaded to a flash drive, is between \$5 - \$31. The actual cost of postage, mailing supplies, or other delivery costs will also be charged.

- Inspection of public records shall occur within OOD's regular business hours, excluding published holidays. Appointments are encouraged to ensure OOD has sufficient time to prepare the records for inspection. Anyone who arrives without a scheduled appointment may be asked to return once the records are prepared.
- OOD requires payment for copies of public records prior to their release. There is no fee for inspecting or e-mailing records.
- Original records shall remain in the possession of OOD at all times.

\*Please note that many records contain information that must be redacted or withheld pursuant to law. OOD shall provide an explanation for any redaction or withholding at the time of the inspection, or at the time the copies are provided.

### **Obtaining a Copy of the Policy or Retention Schedules**

A copy of the OOD Public Record Request Policy and OOD Record Retention Schedules are available at all OOD offices and available online at: [www.OOD.ohio.gov](http://www.OOD.ohio.gov).

### **Making a Public Record Request**

Public record requests may be provided to any OOD employee or contractor, who will forward the request to the Division of Legal Services, or by the following means:

**Mail request to:** Opportunities for Ohioans with Disabilities  
Attention: Division of Legal Services  
400 East Campus View Blvd. - 3LC  
Columbus, Ohio 43235-4604

**E-mail:** [OOD.PublicRecordsReq@OOD.ohio.gov](mailto:OOD.PublicRecordsReq@OOD.ohio.gov)

**Call:** Your local OOD office or 800-282-4536 toll-free