

Introduction

It is the policy of the Tuscarawas County Clerk of Courts office that, as required by Ohio law and Rules of Court, records will be organized and maintained so that they are readily available for inspection and copying. It is the policy of this office to strictly adhere to the State's Public Records Act. 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 Revised Code. If the request is in writing, the explanation must also be in writing. Record retention schedules are to be updated regularly and posted prominently.

I. Definition of a Public Record

The Tuscarawas County Clerk of Courts office, in accordance with the Ohio Revised Code, defines 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 Tuscarawas County Clerk of Courts office are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

II. Request of Public Records

Each request for public records should be evaluated for a response using the following guidelines:

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, the records custodian must contact the requester for clarification and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

The requestor 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 record. It is this office's general policy that this information is not to be requested.

III. Availability of Public Records

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.

IV. Availability of Public Records Policy

The Tuscarawas County Clerk of Courts Public Records Policy will be available in the main office via hard copy. It will also be available on the Clerk of Courts website.

V. Process for Releasing Public Records

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: court records, 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.

All requests for public records must either be satisfied (as stated above) or be acknowledged in writing by the Tuscarawas County Clerk of Courts office as promptly as possible 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:

- A. An estimated number of business days it will take to satisfy the request;
- B. An estimated cost (if copies are requested); and
- C. Any items within the request that may be exempt from disclosure.

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, then the exempt portions are to be redacted and the rest released. If there are redactions, the Clerk of Courts office shall notify the requester of any redaction or make the redaction plainly visible.

VI. Denial of Public Records Request

If a request is ultimately denied, in part or in whole, the Clerk of Courts office shall provide the requester with an explanation, including legal authority, setting forth why the request was denied.

VII. Costs for Public Records

- A. The charge for paper photo copies is 10 cents per page, and if certified \$2.00 for each document per Local Court Rule.

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- B. The charge for a compact disc of records is at the cost of the media on which it is produced. Please note that such requests are completed through the Tuscarawas County IT Department and additional time may be needed for them to complete this task.
 - C. The charge for individual reports downloaded from the case management system is 10 cents per page for paper copy and can be e-mailed to the requester at no charge.
 - D. Requesters may ask that documents be mailed to them when the requester provides a self-addressed, stamped envelope with sufficient postage applied and copy costs, if applicable, or they may be charged the actual cost of the postage and mailing supplies.
 - E. Copy requests by other county offices will be provided free of charge.

VIII. Maintenance of Public Records

It is the policy of the Tuscarawas County Clerk of Courts that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying.

- A. All public records will be maintained by the responsible employees according to public records law and approved retention schedules.
- B. While an overwhelming majority of the documentation produced by the Tuscarawas County Clerk of Courts office is considered public record, Section 2.10 of the Tuscarawas County Personnel Manual along with Section 149.43 of the Ohio Revised Code states which records are not subject to public disclosure. Also, per Section 4501.27 of the Ohio Revised Code, names, addresses and personal identifiers of motor vehicles records are not public records.
- C. When releasing employment/payroll records, Section 2.10 of the Personnel Manual shall be followed.

IX. Media Relations Regarding Public Records

- A. Tuscarawas County Clerk of Courts shall respond to the media in a prompt and respectful manner.
- B. If the media requests a public record, this policy shall apply.

X. E-Mails as Public Records

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 same retention schedules.

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-mail that relate to public business and to copy them to their business e-mail accounts and/or to the offices records custodian.

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.

XI. Failure to Respond to a Public Records Request

The Tuscarawas County Clerk of Courts office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. Therefore, the office will do all that it can to comply with public records requests in a timely and efficient manner.