

TUSCARAWAS COUNTY COMMISSIONERS

PUBLIC RECORDS POLICY



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It is the policy of the Tuscarawas County Commissioner's Office (TUSCARAWAS COUNTY COMMISSIONER'S OFFICE) that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. It is the policy of TUSCARAWAS COUNTY COMMISSIONER'S 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 Ohio 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.

Section 1: Definition of a Public Record

The Tuscarawas County Commissioner's 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 TUSCARAWAS COUNTY COMMISSIONER'S OFFICE are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 2: 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 public record. It is TUSCARAWAS COUNTY COMMISSIONER'S general policy that this information is not to be requested.

Section 3: 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.

Section 4: Availability of Public Records Policy including Records Retention Schedules

TUSCARAWAS COUNTY COMMISSIONER'S Public Records Policy will be available in the main office via hard copy. It will also be available on the website under Departments – Commissioners - Public Records Policy. Individual schedules are on file with records retentions custodian.

Section 5: 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, 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 or be acknowledged in writing by TUSCARAWAS COUNTY COMMISSIONER'S OFFICE 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:

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

Section 6: Denial of Public Records Request

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 7: Costs for Public Records

- A. First 10 single or double sided copies of a copy request will be provided within a reasonable period of time, free of charge.
- B. Any additional single or double sided copies beyond the 10 free copies as stated above will be provided within a reasonable period of time at five (5) cents per sheet.
- C. Copy requests by other county offices will be provided free of charge.
- D. Personal copies cost five (5) cents per sheet.
- E. There is no charge for documents e-mailed.
- F. Downloaded computer files to a compact disc will be \$1.00 per disc.
- G. Copy request may be faxed to a requestor.

Requesters may ask that documents be mailed to them. They may be charged the actual cost of the postage and mailing supplies.

Section 8: Maintenance of Public Records

It is the policy of the Tuscarawas County Commissioners that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 10 for the e-mail record policy).

- 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 TUSCARAWAS COUNTY COMMISSIONER'S OFFICE is considered public record, Section 2.10 of

TUSCARAWAS COUNTY COMMISSIONER'S Personnel Policy Manual along with Section 149.43 of the Ohio Revised Code states which records are not subject to public disclosure.

- C. Original copies of public documents shall not be given to the public except:
 - 1. By court order;
 - 2. By an investigator or
 - 3. By the Board of Commissioners or designee
- D. Should a file need to be removed from public records section, a records control card will be placed in the file's space indicating employee's name, date of removal, name of file and the reason for removal.
- E. Section 2.10 of the Personnel Policy Manual shall be followed when releasing employment/payroll records.
- F. If a citizen requests more than ten (10) public records in a month, the citizen shall submit a written letter to the Commissioners that she/he does not intend to use or forward this information for commercial purposes. Otherwise, that citizen will be limited to ten (10) public records requests per month.

Section 9: Media Relations Regarding Public Records

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

Section 10: 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 office's 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.

Section 11: Failure to Respond to a Public Records Request

TUSCARAWAS COUNTY COMMISSIONER'S OFFICE recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, TUSCARAWAS COUNTY COMMISSIONER'S failure to comply with a request may result in a court ordering TUSCARAWAS COUNTY COMMISSIONER'S to comply with the law and to pay the requester attorney's fees and damages.

Section 12: General Exemptions from Public Record Law

TUSCARAWAS COUNTY COMMISSIONERS will adhere to the general exemptions from the Public Records Law in accordance to House Bill 9 (as sign by the Governor) listing the exemptions stated under O.R.C. 149.43 and under 2923.129.