

# PUBLIC RECORDS POLICY

## I. Introduction

- A. It is the philosophy of the Board of DD that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the Board of DD to adhere to the state's Public Records Act. Notwithstanding the existence of this policy, the Board of DD shall comply with the requirements of the Ohio Public Records Act, and the provisions of the Ohio Public Records Act and any amendments thereto, supersede and take precedence over this policy. The Board of DD retains the right to amend this policy at any time.

## II. Public records

- A. A public record includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in ORC 1306.01, that (1) contains information stored on a fixed medium such as paper, computer, film, etc., (2) is created, received, or sent under the jurisdiction of a public office, and (3) which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. The determination of whether a specific item constitutes a "record" will depend on the facts and circumstances surrounding the particular item requested. The Superintendent shall make this determination. A "kept" record is the type of item typically and actually retained by the office in the ordinary course of its business and in order to carry out its duties and functions.
- B. Under Ohio law, the Board of DD may only create records that are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Board of DD and for the protection of the legal and financial rights of the state and persons directly affected by the Board of DD's activities. The Board of DD shall not create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.
- C. Records regarding individuals who are eligible for services from or who are served by the Board of DD are not public records and will be disclosed only in accordance with state and federal law and Board of DD policy. Generally, all records of individuals served by the Board are subject to OAC 5123-4-01.
- D. It is the policy of the Board of DD that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and duplication. All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the records commission per ORC149.351. The Personnel Manager/Fiscal Coordinator shall insure that record retention schedules are updated regularly and posted prominently at the Board of DD's administration office. He shall also be responsible to insure that said schedule is followed by all departments of the Board of DD. Information concerning how to access a copy of the Board of DD's record retention schedule and how to access a copy of this policy will be posted prominently at the Board of DD's locations.
- E. The Personnel Manager/Fiscal Coordinator shall serve as the records officer for the Board of DD. He shall be responsible for all functions of record retention/disposition within the Board of DD. He shall also be the liaison to the Fulton County Records Commission.

### III. Record requests

- A. A requester must at least identify the records requested with sufficient clarity to allow the Board of DD to identify, retrieve, and review the records. If it is not clear what records are being sought, the Board of DD may deny a request but will provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Board of DD and accessed in the ordinary course of the Board of DD's business.
- B. The Board of DD may ask a requester to make the request in writing; however, it is not mandatory that the request be in writing. When making a request to inspect or receive a copy of a public record, the requesting party shall be asked (but not required) to submit the request in writing, by providing the following information:
  - 1. the name of the individual or organization making the request;
  - 2. the date of the request;
  - 3. a list of the specific records sought to be inspected or copied;
  - 4. the medium of the request including paper, physical inspection, e-mail, computer storage device; and
  - 5. whether the record is to be picked up by the requesting party or mailed to a mailing address provided by the individual or organization making the request.
- C. If a requesting party cannot, or will not submit the request in writing, the Superintendent or designee shall so note, and ask the requesting party to verbally provide the above information so that the request can be processed in accordance with the requesting party's preference. The Superintendent or designee shall record the information that is requested verbally by the party.
- D. In general, public records will be available for inspection to any person, during the Board of DD's normal business hours. If an employee is requested to provide a Program record to a member of the general public, news media or other person, employees shall refer the matter to the Superintendent. The Superintendent shall determine whether or not the requested record is a public record, and if it is, shall make requested public records available within a reasonable time frame.
- E. The Ohio Revised Code contains certain exemptions from disclosure, including employee information and information regarding individuals served that is lawfully confidential. With respect to each request, the Superintendent will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. The Superintendent will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of the provision of public records in response to a valid request will be accompanied by an explanation.

### IV. Costs for Public Records

- A. In accordance with the request, a person may choose to obtain a copy of a public record through e-mail, computer storage device, or other electronic medium, if the record is otherwise retained and recorded electronically as a part of the Board of DD's normal operations. If the record is retained and recorded electronically by the Board of DD, the Superintendent will make such public records available through this medium. If records are not retained electronically, the Superintendent shall so

inform the requesting party and may make such records available through paper record.

- B. Upon request, the Board of DD will transmit a copy of the public record to any person by United States mail, within a reasonable time after receiving a request. In such case, the Board of DD shall require the person making the request to pay in advance the cost of postage and other supplies used in mailing.
- C. The Superintendent or designee may refer requests for payroll and employment records to the County Auditor, or if the records are available at the Board of DD office, the Superintendent or designee may prepare or make available lawfully public employment and payroll records, upon the request of any person.
- D. Documents in email format are records as defined by the Ohio Revised Code when their content relates to the business of the Board of DD. E-mail is to be treated in the same fashion as records in other formats and will follow the same retention schedules.
  - 1. Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board of DD are instructed to retain their e-mails that relate to public business. The Fulton County Information Technology Department backs up and archives all emails sent to or from Board of DD email addresses based on the approved county retention schedule.
- E. The Superintendent, at his option, may waive any or all provisions under this policy when a request to inspect or obtain copies of records is made by another governmental agency or a court order.