

FRANKLIN COUNTY BOARD OF COMMISSIONERS

PUBLIC RECORDS POLICY

Adopted October, 2007

I. Purpose:

The Franklin County Board of Commissioners maintains many records that are used in the administration and operation of Franklin County. In accordance with state law and the Franklin County Records Commission, we have adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the Board of Commissioners and document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. 149.011(G); R.C. 149.43 (A)(1)). The Franklin County Board of Commissioners believe that openness leads to better informed citizens, which leads to better government and better public policy.

II. Scope:

- A. Each office, department or division that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
- B. Each Commissioner Agency has a copy of the public records policy. (R.C. 149.43(E)(2)).
- C. This Public Records Policy, as well as the Schedules of Records Retention and Disposition (RC-2) for each Commissioner Agency is available at every location in which the public may access public records.
- D. The Public Records Policy is located in the Franklin County's Policies and Procedures manual.
- E. Franklin County offices and agencies display a poster which generally describes the availability of public records at every location in which the public may access the records.

III. Fees:

The Franklin County Board of Commissioners, in accordance with Section 149.43(B)(6) of the Revised Code, has established the following fees for providing copies of reproductions of public records maintained by the offices, departments and divisions.

- A. For photocopies of either letter or legal size documents, the fees shall be \$.05 per photocopy calculated from the 20th copy. Advance payment is required before any copies are prepared. Two sided photocopies shall be charged the per page rate.
- B. For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost of the tapes or CD's or the reproduction (copying) cost. Reproduction costs will only be charged if a commercial or professional service is contracted to provide the copy.

IV. Availability:

- A. All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours. (R.C.149.43 (B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request).
- B. The person requesting records must identify those records with sufficient clarity to allow us to identify, retrieve and review the records. Solely for the purpose of enhancing our ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the Franklin County offices may ask for the request in writing. Staff will assist the requestor, if necessary.
 - 1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review by the Prosecutor's Office.
 - 2. Although we may ask for the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. A request in writing is not mandatory; and
 - b. The requestor's refusal to make a request in writing, or to identify themselves or the intended use of the information, does not impair their right to inspect and/or receive copies of the public record. (R.C. 149.43 (B) (5)).
 - 3. Any person, including corporations, individuals, and governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.

- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by these Offices whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to the Prosecutor's Office for research and /or review. The person submitting the request shall be advised that their request is being reviewed by the Prosecutor's Office to ensure that protected and/or exempted information is not improperly released.

V. Public Records Requests

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, this public office shall promptly respond to the request.

- A. A staff person will evaluate the request and estimate the length of time required to gather the records, taking into account the volume of records; the proximity of the record storage; and the necessity for any legal review of the records requested. The requestor will be advised that advance payment is required prior to providing copies of public records, and in addition, if mailed, the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
- B. When practical, we may forward copies of records by any other means reasonably acceptable to the requestor.
- C. If a request is voluminous, housed in an off-site location or will require legal review, an acknowledgement letter will be prepared. This letter will include: the estimated number of business days to satisfy the request, an estimated cost if copies are requested; and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.
- D. Persons seeking copies of public records are not permitted to make their own copies of the requested documents by any means. (R.C. 149.43(B)(6))

VI. Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by the Franklin County Board of Commissioners or the thirteen Commissioner agencies shall be replied to in writing. The response shall include the information that these records are not kept by this office; the requested records have been disposed of according to the Schedules of Records Retention and Disposition (RC-2) or pursuant to Application of One Time Records Disposal (RC-1); or that in accordance with R.C. 149.40, the Office is under no obligation to create records to meet the records request.

- B. **Ambiguous or Overly Broad Request for Public Records**
If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requestor by informing them, via the Agency's RC-2, what records are retained by the agency and the manner in which they are retained.

VII. Denial of a Record Maintained by the Franklin County Board of Commissioners

The Franklin County Board of Commissioners may deny a request for a record maintained by the Franklin County Board of Commissioners if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of the Franklin County Board of Commissioners shall consult the Prosecutor's Office if they are unsure of whether the record requested should be withheld from disclosure.
 - b. Otherwise, the Prosecutor's Office will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Franklin County Board of Commissioners shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - b. The explanation shall not preclude the Franklin County Board of Commissioners from relying upon additional reasons or legal authority in defending an action commenced pursuant to RC 149.43.

VIII. Redacting Exempted Records/Procedure:

- A. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code (R.C. 149.43 (A)(11));

1. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction (R.C. 149.43(B)(1)).
 2. If a request is ultimately denied, in part or in whole, the Agency Director shall provide the requester with an explanation, including legal authority, setting forth why the request was denied (R.C. 149.43 (B)(3)).
- B. If a public record contains information that is exempt from the requirements for public disclosure or copying the public record, the Agency Director shall make available the information within the public record that is not exempt.
- C. When making a redacted document available for public inspection or copying, the Agency Director shall notify the requester of any redaction or make the redaction plainly visible (R.C. 149.43(B)(1)).
- D. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
- E. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

IX. Remedy: Grievances

1. If a person allegedly is aggrieved due to being denied access to inspect a public record or due to being denied a copy of the public record, the person shall be advised that they may:
2. Contact the Franklin County Administrator.
3. If the person is not satisfied after contacting the Franklin County Administrator, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes (R.C. 149.43(C)(1)(2)).

X. Training and Education:

The Franklin County Board of Commissioners' Office continues to update and address all education, training, disclosure, and policy requirements mandated by Ohio Laws.