

OTTAWA COUNTY PUBLIC RECORDS POLICY

A. PURPOSE

The Ottawa County Department of Job & Family Services (OCDJFS) acknowledges that it maintains many records that are used in the administration and operation of the OCDJFS. In accordance with state law and the Ottawa County Records Commission, the OCDJFS has adopted Schedules of Records Retention and Disposition (RC-2) that identify the records maintained in the OCDJFS.

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 OCDJFS. The records document the organization, functions, policies, decisions, procedures, operations, or other activities of the OCDJFS. (See O.R.C.149.011(G); 149.43(A)(1)). The records maintained by OCDJFS and the ability to access them are a means to promote continued trust between the public and the OCDJFS.

The OCDJFS recognizes that some Requests for public records may be received for records that are actually maintained in another county office or department, or by another agency utilizing the space in the Ottawa County Resource Centre. In those situations, the OCDJFS shall notify the Requestor, and shall forward the request to the appropriate office, department or agency. Each public office, department or agency within Ottawa County is responsible for promptly responding to requests for public records maintained in their office, department or agency.

B. Definition of Public Record

A public record has been determined to include any “records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery” of services. This includes any document, paper, electronic or other format, that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, procedures, operations or other activities of the office. All records of this office are public, unless they are specifically exempt from disclosure under the Ohio Revised Code.

B. SCOPE

1. The OCDJFS Director shall serve as the custodian of all records maintained at the OCDJFS. The OCDJFS Director has designated the supervisor of each division of the OCDJFS to serve as custodians of all records maintained in the division which they supervise. All authorized employees of the OCDJFS have a copy of the Public Records Request Policy and have received training on the policy. See *O.R.C.149.43(E)(2)*. See *Acknowledgement of Public Records Request policy form*.
2. The OCDJFS Public Records Request policy, as well as, the Schedules of Records Retention and Disposition (RC-2) are located in the Director’s, Assistant Director’s and Administrative Assistant’s Offices.

3. The OCDJFS Public Records Request policy is part of the OCDJFS Personnel Policy Manual.
4. The OCDJFS displays a poster which generally describes the OCDJFS Public Records Request policy. This poster is located in the lobby of the OCDJFS.

C. FEES

1. The OCDJFS, in accordance with Section 149.43 of the Ohio Revised Code, has established the following fees for providing copies or reproductions of public records maintained by the OCDJFS. Payment of fees are required, prior to the reproduction of the requested documents.
 - a. For black and white photocopies of either letter or legal size documents, the fees shall be \$.05 per copy. For all other types of hard copy copies, the cost shall be the actual cost per photocopy calculated from the first photocopy. The actual cost per photocopy shall be determined at the time the request is made and is based on factors including but not limited to cost of paper, equipment maintenance agreements, toner and ink.
 - b. For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may also be charged if a commercial or professional service is contracted to provide the copy. The agency maintains the right to select the vendor to make the requested copies.
 - c. There is no fee to visually inspect records in their original format.

D. AVAILABILITY

1. Inspection: All public records maintained by the OCDJFS shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the current Schedules of Records Retention and Disposition. See *O.R.C. 149.43 (B)(1)*.
 - a. The facts and circumstances of each public records request shall determine the promptness in making the requested records available.
 - b. Regular business hours are Monday through Friday (except holidays), from 8:30 a.m. to 4:30 p.m., and Tuesdays, 8:00 a.m. to 6:00 p.m.
2. For the purpose of enhancing the ability of the of OCDJFS to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, a Public Records Request Form will be provided to the requester to complete.
 - a. The requester must be notified that they are not “REQUIRED” to complete the Public Records Request form and that a refusal to complete the form does not impair the Requester’s right to inspect

and / or receive copies of the public records requested. See *O.R.C. 149.43 (B)(5)*.

- b. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 3. Any person, including corporations, individuals, and even 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.
- E. When the disclosure of the requested records may be prohibited or exempted by either federal or state law, the request shall be forwarded to legal counsel for research and / or review.
1. Legal counsel for the OCDJFS is the Ottawa County Prosecutor. The OCDJFS may have outside legal counsel research and / or review the legal basis for either approving or denying the request for public records. However, the County Prosecutor shall approve all Public Records Request Response forms that are forwarded to legal counsel for review.
 2. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that confidential, protected and / or exempted information is not improperly released.
- F. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined in section 149.43 (A)(1) of the Ohio Revised Code, shall not be subject to public inspection. The following represents a partial list of records maintained by the OCDJFS that may not be inspected or copied:
1. Any and all records pertaining to confidential case information contained in Children Services, Child Support, OWF, Food Stamps, Medicaid, and Workforce Development files of the OCDJFS. See *O.R.C. 149.43(A)(1)(v)* and *149.43(A)(2)*.
 2. Any and all medical records. See *O.R.C. 149.43(A)(1)(a)*
 3. Any and all records relating to complaints initiated in the Ohio Bureau of Worker's Compensation, Civil Rights Commission or other state agencies where the records are specifically exempted from public disclosure. See *O.R.C. 149.43(A)(1)(i)*.
 4. Trial preparation records and other attorney-client communications which are considered confidential. See *O.R.C. 149.43(A)(1)(g)* and *143.43 (A)(4)*.
 5. Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code. See *O.R.C. 149.43(A)(1)(t)*.

6. Any information maintained in a personnel record of a children services employee that discloses the residential address of the employee or persons related to the employee. See *O.R.C. 2151.142*.

PUBLIC RECORDS REQUESTS
PROCEDURE

- A. Individuals requesting public records will be asked to complete a Public Records Request Form. Individuals shall be informed that completion of the form is not required, but is helpful in an accurate and timely resolution to their request.
- B. All records requests received will be entered into a Public Records Request Log, to be maintained by the Administrative Assistant of the Agency. The Log will document the date of the request, item(s) requested, format of items, payment receipt (if applicable), resolution of request, reason for denial of request (if applicable), and the name of the employee who processed the request.
- C. All individuals requesting public records shall receive a receipt letter to verify the request, how the agency processed the request, notification of any redacted information, and if request was denied, the reasoning for that denial.
- D. MAILED REQUESTS-
 1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the U.S. Mail, authorized employees shall promptly respond to the request.
 - a. Requests for records maintained in another county office or department, or by another agency utilizing the space in the Ottawa County Resource Centre, shall be forwarded to the appropriate office, department or agency. Each public office, department or agency within Ottawa County is responsible for promptly responding to requests for public records maintained in their office, department or agency.
 - b. Each office or department of Ottawa County shall report their prompt response to the Ottawa County Commissioner's Office.
 - c. Requesters shall be charged the postage fees and the cost of the envelope required to properly send the records through the mail, in addition to the actual cost of duplicating the records.
 2. An authorized employee shall, by any means practical, contact the requester and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope. See *O.R.C. 149.43(B)(7)*.
 3. When practical, records may be duplicated by any other means reasonably acceptable to the requester.

- a. If a person requests a copy of a public record, the OCDJFS shall permit the requester to choose to have the public record duplicated on paper or upon the same medium which the OCDJFS maintains the public record.
 - b. The record may also be duplicated on any other medium so long as the record can reasonably be duplicated as an integral part of the normal operations of the OCDJFS or the employee responsible for the public record. *See O.R.C. 149.43(B)(6)(7).*
 - c. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. *See O.R.C. 149.43(B)(6).*
4. In accordance with section 149.43(B)(7) of the Ohio Revised Code, the number of requested public records that may be transmitted through the U.S. Mail, is limited to a maximum of ten records per month, unless the requester certifies that the records or information in them will not be used for commercial purposes.
 - a. “Commercial purposes” shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
 5. Written or verbal requests for copies made by the public records requester or their designee shall be processed in the same manner mailed requests.
- E. RESPONSE AND DENIALS- Requests for inspection and/or copies of public records, which are not maintained by the OCDJFS, shall process the request in the following manner:
1. If the request is for a record that that the OCDJFS does not maintain or the request is for a record which is no longer maintained, the requester shall be notified in writing utilizing the Public Records Response Form that one of the following applies:
 - a. Their request involves records that have never been maintained by the OCDJFS;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to the applicable Schedules of Records Retention and Disposition (RC-2);
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
 - d. If the records requested are not records used or maintained by the OCDJFS, the requester shall notified that in accordance with Ohio Revised Code, Section 149.40, that there is no obligation to create records to meet public records requests.

- e. The records are maintained in another office or department of Ottawa County and the request shall be forwarded to that office for prompt processing. The office or department shall comply with this Public Records Request Policy in responding to the request.
- F. **AMBIGUOUS OR OVERLY BROAD REQUESTS FOR PUBLIC RECORDS-** If the requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the OCDJFS cannot reasonably identify what public records are being requested:
 - 1. The request may be denied.
 - 2. However, the requester will be provided with an opportunity to revise the request by informing the requester of the manner in which the OCDJFS maintains the records in the ordinary course of business. *See O.R.C., 149.43 (B)(2).*
- G. **DENIAL OF A RECORD-** A request for a record may be denied if:
 - 1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on the Public Records Response Form if they are simply applying the statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for the denial.
 - 2. If a request is ultimately denied in whole or in part according to section 149.43(B)(3) of the Ohio Revised Code, the requester shall be provided with an explanation including legal authority, setting forth the reason the request was denied.
 - a. If the record contains certain information that is exempt from the duty to permit public inspection or copying, the information within the record that is not exempt from the public records request will be made available to the requester.
 - b. If the initial request was provided in writing then the explanation shall also be provided in writing on the Public Records Response Form.
 - c. The explanation shall not preclude the OCDJFS from relying upon additional reasons or legal authority in defending an action commenced pursuant to O.R.C. 149.43.
- H. **REDACTING EXEMPTED RECORDS / PROCEDURE-** “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. See *O.R.C. 149.43(A)(11)*.

1. REDACTIONS- A redaction shall be deemed a denial of a request to inspect or copy redacted information, unless federal or state law authorizes or requires a public office to make the redaction. See *O.R.C. 149.43 (B)(1)*.
2. If a public record contains certain information that is exempt from the duty to permit public inspection or copying, the information within the record that is not exempt from the public records request available to the requester.
3. When making this type of record available for public inspection or copying, the redaction(s) shall be made plainly visible or the requester shall be notified of any redaction(s). See *O.R.C. 149.43(B)(1)*.
4. 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.
5. 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.

F. REMEDY-

1. Grievances- If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record; the person shall be advised that they may:
 - a. Contact the OCDJFS Director.
 - b. If the person is not satisfied after contacting the OCDJFS Director, they shall be advised that the Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. See *O.R.C. 149.43(C)(1)(2)*.

- G. TRAINING & EDUCATION- The OCDJFS will continue to update and address all education, training, disclosure, and policy requirements mandated by O.R.C. 109.43 and 149.43(E)(1)(2).

Stephanie Kowal, Director

Date

Ottawa County Prosecuting Attorney

Date