

4.22 PUBLIC RECORDS POLICY

A. Purpose

It is the policy of the Board of Stark County Commissioners 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 Stark County Commissioners 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.

B. Public Records

The Board, 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 the 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 Board of Stark County Commissioners are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

1. Organization and Maintenance

It is the policy of the Board of Stark County Commissioners that, as required by Ohio Law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and kept accessible.

C. Records Request

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

- 1. Sufficient Clarity**—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 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.
- 2. Requestor Information**—The requester 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. If a request involves sending records to the requestor, staff may inquire about contact information to facilitate the delivery of the records.
- 3. Availability for Inspection**—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.
- 4. Time to Fulfill a Request**—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. If fewer than twenty (20) pages of copies are requested



or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied or be acknowledged in writing by the Board of Stark County Commissioners within three (3) 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; and
- c. Any items within the request that may be exempt from disclosure.

5. **Denial of Request**—Any denial of a public records request 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 supporting explanation, including legal authority.

D. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies at the following rates:

1. **Paper Copies**—Paper copies will be charged 5 cents (\$0.05) per page;
2. **Compact Discs**—Downloaded files to compact disc will be charged at one (1) dollar (\$1.00) per disc;
3. **Mail**—Requestors may ask that the documents be mailed to them at the actual cost of the postage and mailing supplies; and
4. **Email**—There is no charge for documents to be emailed.

E. Email

Documents in electronic format are records 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.

1. Private Email Accounts

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board of Stark County Commissioners are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the office's Record Custodian.

The Records Custodian is to treat 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.



F. Failure to Respond to a Public Records Request

The Board of Stark County Commissioners 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, the Stark County Board of Commissioners' failure to comply with a request may result in a court ordering the Stark County Board of Commissioners to comply with the law and to pay the requestor attorney's fees and damages.

