

PUBLIC RECORDS

Stark County Job & Family Services

POLICY NO.: SCDJFS.2010.0015.01 ORC: 5101, et al; 149.43 et al OAC: 5101:9-9-21 COA: PA-RPM 7,8; PA-CR 2	Original: 6/21/10 Revision(s): 9/19/11 Related Form(s): Public Records Request form(A0002); Public Records Initial Response Ltr. (Attachment 1); Public Records Cost Ltr. (Attachment 2); Exempt Records Lists Related Policy(ies): CSEA-Public Records Access; Commissioners Public Records Policy
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ADMINISTRATIVE

☒ All Agency Staff

☐ Bargaining Unit

☐ Management

☐ Non-Bargaining Unit

POLICY: Stark County Job & Family Services (SCJFS) recognizes that all records are public, unless specifically exempt from disclosure under the Ohio Revised Code. Records will be organized and maintained to be readily available for inspection and copying.

PROCEDURE: Section 1. Public Records:

This 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 SCJFS and its divisions are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1-It is the policy of SCJFS and its divisions 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 updated regularly and available upon request.

A large number of records created, organized and maintained by SCJFS and its divisions are exempt from disclosure under the Ohio Public Records Act. A partial list of exempt records is available for viewing in an effort to save you time and lessen the confusion as to which records are subject to disclosure. As a requester, if you are unsure if your request falls within the exempt categories listed, you are encouraged to make a request as outlined in this policy.

Request of records for commercial (vendor) use will be limited to ten (10) records per month, unless a request is certified to be for non-commercial purposes.

Section 2. Record Requests:

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

Section 2.1-Although Ohio law does not provide for specific language to be used in making 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 should attempt to contact the requester for clarification, and assist the requester in revising the request by informing the requester of the manner in which the office keeps its records. The records custodian will not be able to assist a requester in revising a request, to do so would violate Ohio law.

Section 2.2-The requester does not have to put a records request or an inspection request in writing, and does not have to provide his or her identity or the intended use of the requested public record, unless specific requirements pursuant to Ohio law require a written request. However, a person making an oral request will be asked to voluntarily make the request in writing to better serve the requester. The SCJFS cannot refuse to respond to an oral request for records or inspection request.

Section 2.3-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. Ohio Law does not define a fixed period of time by which a public records request must be completed. However, the department receiving a public records request shall make the receipt of such a request a work priority. 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; the circumstances of the SCJFS and its divisions at the time of the request and the necessity for any legal review of the records requested. Due to the expansive work we do with families, in most cases, a records request will require a legal review to protect our customers rights and confidentiality.

Section 2.4-Upon receipt, each request will be evaluated for an estimated length of time required to gather the records. If the request is routine and the records are readily available, the request may be satisfied immediately if feasible. Routine requests include, but are not limited to, meeting minutes, budgets, salary information, forms and applications, personnel rosters, etc. If a request is for fewer than 20 pages of copies and/or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these requests will be met as quickly as the equipment allows. The department receiving a public records request is the department of origin, and the employee should initiate filling out the SCJFS Public Records Request Form (see A0002). The employee will complete the SCJFS Public Records Request Form once all fields for response have been determined.

All requests for public records must either be satisfied pursuant to Section 2.4 and/or 2.6, and be acknowledged in writing by the SCJFS and its divisions within five 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:

Section 2.4a –Concurrently with finishing the SCJFS Public Records Request Form, the employee shall issue SCJFS' Public Records Initial Response Letter (see Attachment 1) to the requester based on the information contained in the SCJFS Public Records Request Form. Contained within the SCJFS' Public Records Initial Response Letter shall be an estimate of the number of business days it will take to satisfy the request. The original SCJFS Public Records Request Form and a copy of the SCJFS Public Records Initial Response Letter to the requester shall be sent to the SCJFS' Agency Wide Record Custodian.

If the employee determines a possible legal question exists or needs ruled out, the employee shall furnish copies to the SCJFS' Agency Wide Record Custodian who will forward the request to the Stark

County Prosecutor's Office for assistance. The employee will await further direction from the Stark County Prosecutor's Office consistent with this policy. For example, a voluminous and/or unusual request should be reviewed by the Stark County Prosecutor's Office. SCJFS' Agency Wide Record Custodian will be the SCJFS' sole contact Stark County Prosecutor's Office in order to maintain continuity of communication.

Upon receipt of the SCJFS Public Records Request Form and SCJFS Public Records Initial Response Letter, the Agency Wide Record Custodian will enter available information in the Public Records Request Tracking Log. The Agency Wide Record Custodian will review the Public Records Request Tracking Log weekly and notify the departmental Program Administrator and Deputy Director of any Public Records Requests which appear to be delayed or incomplete.

Section 2.4b – Look for items within the request that may be exempt from disclosure. Requests which SCJFS is unable to release due to a total statutory exclusion or partial redaction must be reviewed by the Stark County Prosecutor's Office. Any review of a request by the Stark County Prosecutor's Office shall be made through the Agency Wide Record Custodian for tracking purposes and proof (letter or email) of the Prosecutor's review shall be furnished to the Agency Wide Record Custodian.

Section 2.4c – Once the requested records have been cleared for release, the employee shall make a determination of medium of response (e.g. e-mail, copies or computer disc/flash drive) and delivery (e.g. US mail or customer pick-up) and costs associated with delivery. The employee will issue the SCJFS' Cost Letter (see Attachment 2) to inform the Requester of the fees associated with his/her request and how delivery will be effectuated. Fees are set under Section 3 of the SCJFS Public Records Policy. The employee may combine the Cost Letter and Public Records Initial Response Letter if the requested documents appear readily available and the assessment of the document content falls within the definition of Public Record subject to no statutory exclusions. The employee shall copy the Agency Wide Record Custodian with the letter issued.

Section 2.5 – Once a request for records has been responded to there is no continuing duty upon SCJFS and its divisions to update the request with records created after the request has been met. Procedure for 2.4c – Upon full completion of a request, the employee shall issue a letter concurrently or within two business days reciting the completion of the request. The letter should acknowledge the medium used to fill the request, fees received and how delivered to the requester if not readily apparent. A copy of this letter shall be copied to the Agency Wide Record Custodian for tracking purposes.

The Agency Wide Record Custodian shall update the Public Records Request Tracking Log to include adding comments from the employee and/or Agency Wide Records Custodian.

Section 2.6 – 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 remaining portions of the records released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority and the redaction must be conspicuously marked.

If a record contains both exempt and public information, the exempt information must be redacted. Requests in which SCJFS is unable to release due to a total statutory exclusion or partial redaction must be reviewed by the Stark County Prosecutor's Office. Any review of a request by the Stark County Prosecutor's Office shall be made through the Agency Wide Record Custodian for tracking

purposes and proof (letter or email) of the Prosecutor's review shall be furnished to the Agency Wide Record Custodian.

Section 3. Costs for Public Records:

A requester of public records will be charged only the actual cost of making copies. No cost will be assessed for the inspection of records on the premises. SCJFS and its divisions have no duty to provide copies of records to a requester who has an inability to pay or is unwilling to pay. Additionally, if SCJFS and its divisions use an outside contractor to respond to a request, the actual cost to do so will be the responsibility of the requester. Ohio law does not require SCJFS and its divisions to relinquish custody and control of its records to accommodate the requester's preferred method of copying.

Section 3.1-The charge for paper copies is 10 cents per page. Prepayment of copying costs is required.

Section 3.2-The charge for downloaded computer files to a compact disc is \$1 per disc. SCJFS and its divisions will provide the disc(s) to meet the volume of requested records.

Section 3.3-There is no charge for documents e-mailed.

Section 3.4-Requesters may ask that documents be mailed to them. Requesters will be charged the actual cost of the postage and mailing supplies, which must be prepaid.

Section 4. E-mail:

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.

Section 4.1 – 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-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's appropriate records custodian.

Section 4.2 – 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 Ohio Public Records Act.

Section 5. Failure to Respond to a Public Records Request:

SCJFS and its divisions recognize 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, SCJFS and its divisions failure to comply with a request may result in a court ordering SCJFS and its divisions to comply with the law and to pay the requester's attorney's fees and damages.

Section 6. Step-by-Step Procedural Summary: Employee and Agency Wide Records Custodian

Step 1: Employee will complete and send the original SCJFS Public Records Request form and copy of the Initial Response Letter, (include copy of Cost Letter if applicable) to the Agency Wide Records Custodian. Any request reviewed by the Prosecutor's office will be communicated through Agency Wide Records Custodian via proof (letter or e-mail).

Step 2: Upon receipt of the Public Records Request form and Initial Response Letter, Agency Wide Records Custodian will initiate completion of the tracking log.

Step 3: The tracking log will be monitored by the Agency Wide Records Custodian on a weekly basis for outstanding record request information. The Agency Wide Records Custodian will notify appropriate personnel of required information if deemed necessary.

Step 4: Employee shall issue the Cost Letter and forward a copy to the Agency Wide Records Custodian, if not previously included with the original request (See Step 1).

Step 5: Employee will issue a letter to requester reciting completion of the request, including medium used, fees received and delivery mode. Employee shall copy the Agency Wide Records Custodian with the letter issued for tracking purposes.

Step 6: Agency Wide Records Custodian will update and/or complete public records tracking log.